



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

साप्ताहिक
WEEKLY

सं. 6] नई दिल्ली, जनवरी 31-फरवरी 6, 2010, शनिवार/माघ 11-माघ 17, 1931
No. 6] NEW DELHI, JANUARY 31-FEBRUARY 6, 2010, SATURDAY/MAGHA 11-MAGHA 17, 1931

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्यालय मुख्य आयकर आयुक्त

जोधपुर, 20 जनवरी, 2010

सं. 14/2009-10

का.आ. 340.—आयकर अधिनियम 1961 (1961 का 43वां) की धारा 10(23ग) के खण्ड (vi) के साथ पठित आयकर नियमावली-1962 के नियम 2 गए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जोधपुर एतद्वारा इंजिनियरिंग कॉलेज समिति, करणी इण्डस्ट्रीयल एरिया, पुगल रोड, बीकानेर-334004 को उक्त धारा के प्रयोजनार्थ निर्धारण वर्ष 2005-06 से आगे तक निम्नलिखित शर्तों के अधीन अनुमोदित करते हैं :-

1. कर निर्धारिती उसकी आय का प्रयोग अथवा उसकी आय का प्रयोग करने के लिए उसका संचयन पूर्णतः तथा अनन्यतः उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई।
2. कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की

उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जेवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।

3. यह आदेश किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हो।
4. कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
5. विघटन की स्थिति में इसकी अतिरिक्त राशियां और परिसंपत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी

जाएगी और उसका कोई भी भाग संस्थान के किसी सदस्य को नहीं दिया जाएगा।

6. यह अधिसूचना तब तक जारी रहेगी जब तक इसे वापस न लिया जाए।

[संदर्भ सं. मु.आ.आ./आ.अ.(तक)/जोध/2009-10/2850]

बी. एस. दिल्ली, मुख्य आयकर आयुक्त

**OFFICE OF THE CHIEF COMMISSIONER OF
INCOME-TAX**

Jodhpur, the 20th January, 2010

No. 14/2009-10

S.O. 340.—In exercise of the powers conferred by clause (vi) of Section 10(23C) of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income Tax Rules, 1962, I, the Chief Commissioner of Income Tax, Jodhpur hereby approve “ENGINEERING COLLEGE SOCIETY Karni Industrial Area, Pugal Road, Bikaner-334004” for the purpose of the said section for the assessment year 2005-06 onward, subject to the following conditions :—

1. the assessee will apply its income, or accumulate for application wholly and exclusively to the objects for which it is established;
2. the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above, otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
3. this order will not apply in relation to any income being profits and gain of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
4. the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of Income-tax Act, 1961;
5. that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives and no part of the same will go to any of the members of the Institution.

6. This notification will remain in force until it is withdrawn.

[Ref. No. CCIT/ITO(Tech.)/Ju/2009-10/2850]

B. S. DHILLON, Chief Commissioner of Income-Tax

जोधपुर, 20 जनवरी, 2010

सं. 16/2009-10

का.आ. 341.—आयकर अधिनियम 1961 (1961 का 43वां) की धारा 10(23ग) के खण्ड (vi) के साथ पठित आयकर नियमावली-1962 के नियम 2 ग ए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जोधपुर एतद्वारा परम प्रसाद चेरिटेबल सोसायटी, अनादरा रोड, पोस्ट बॉक्स नं. 2, सिरौही-307001 को उक्त धारा के प्रयोजनार्थ निर्धारण वर्ष 2009-10 से आगे तक निम्नलिखित शर्तों के अधीन अनुमोदित करते हैं :—

1. कर निर्धारिती उसकी आय का प्रयोग अथवा उसकी आय का प्रयोग करने के लिए उसका संचयन पूर्णतः तथा अनन्यतः उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई।
2. कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जेवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।
3. यह आदेश किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हो।
4. कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
5. विघटन की स्थिति में इसकी अतिरिक्त राशियां और परिसंपत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी और उसका कोई भी भाग संस्थान के किसी सदस्य को नहीं दिया जाएगा।
6. यह अधिसूचना तब तक जारी रहेगी जब तक इसे वापस न लिया जाय।

[संदर्भ सं. मु.आ.आ./आ.अ.(तक)/जोध/2009-10/2928]

बी. एस. दिल्ली, मुख्य आयकर आयुक्त

Jodhpur, the 20th January, 2010

No. 16/2009-10

S.O. 341.—In exercise of the powers conferred by clause (vi) of section 10(23C) of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income Tax Rules, 1962, I, the Chief Commissioner of Income Tax, Jodhpur hereby approve “**PARAM PRASAD CHARITABLE SOCIETY, Anadara Road, P.B. No. 2, Sirohi-307001**” for the purpose of the said section for the assessment year 2009-10 onward, subject to the following conditions :—

1. the assessee will apply its income, or accumulate for application wholly and exclusively to the objects for which it is established;
2. the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above, otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
3. this order will not apply in relation to any income being profits and gain of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
4. the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of Income-tax Act, 1961;
5. that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives and no part of the same will go to any of the members of the Institution.
6. This notification will remain in force until it is withdrawn.

[Ref. No. CCIT/ITO(Tech.)/Ju/2009-10/2928]

B. S. DHILLON, Chief Commissioner of Income-Tax

जोधपुर, 20 जनवरी, 2010

सं. 15/2009-10

का.आ. 342.—आयकर अधिनियम 1961 (1961 का 43वां) की धारा 10(23ग) के खण्ड (vi) के साथ पठित आयकर

नियमावली-1962 के नियम 2 ग ए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जोधपुर एतद्वारा गुड शेफर्ड पब्लिक स्कूल सोसायटी, सेक्टर-8, जवाहर नगर, श्रीगंगानगर को उक्त धारा के प्रयोजनार्थ निर्धारण वर्ष 2009-10 से आगे तक निम्नलिखित शर्तों के अधीन अनुमोदित करते हैं :—

1. कर निर्धारिती उसकी आय का प्रयोग अथवा उसकी आय का प्रयोग करने के लिए उसका संचयन पूर्णतः तथा अनन्यतः उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई।
2. कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जेवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।
3. यह आदेश किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हो।
4. कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
5. विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसंपत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी और उसका कोई भी भाग संस्थान के किसी सदस्य को नहीं दिया जाएगा।
6. यह अधिसूचना तब तक जारी रहेगी जब तक इसे वापस न लिया जाय।

[संदर्भ सं. मु.आ.आ./आ.अ.(तक)/जोध/2009-10/2932]

बी. एस. डिल्लौ, मुख्य आयकर आयुक्त

Jodhpur, the 20th January, 2010

No. 15/2009-10

S.O. 342.—In exercise of the powers conferred by clause (vi) of Section 10(23C) of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income Tax Rules, 1962, I, the Chief Commissioner of Income Tax, Jodhpur hereby approve “**GOOD SHEPHERD PUBLIC SCHOOL SOCIETY, Sector-8, Jawahar Nagar, Sriganganagar**” for the purpose of the said section for the assessment year 2009-10 onward, subject to the following conditions :—

1. the assessee will apply its income, or accumulate for application wholly and exclusively to the objects for which it is established;
2. the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above, otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
3. this order will not apply in relation to any income being profits and gain of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
4. the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of Income-tax Act, 1961;
5. that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives and no part of the same will go to any of the members of the Institution.
6. This notification will remain in force until it is withdrawn.

[Ref. No. CCIT/ITO(Tech.)/Ju/2009-10/2932]

B. S. DHILLON, Chief Commissioner of Income-Tax

कार्यालय मुख्य आयकर आयुक्त

जयपुर, 22 जनवरी, 2010

सं. 14/2009-10

का.आ. 343.—आयकर नियम, 1962 के नियम 2 सी ए के साथ पठनीय आयकर अधिनियम, 1961 (1961 का 43 वां) की धारा 10 के खण्ड (23 सी) को उपधारा (vi) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जयपुर एतद्वारा निर्धारण वर्ष 2009-2010 एवं आगे के लिए कथित धारा के उद्देश्य से “कपिल स्मारक समिति, जयपुर” को स्वीकृति देते हैं बशर्ते कि समिति आयकर नियम 1962 के नियम 2 सी ए के साथ पठनीय आयकर अधिनियम, 1961 की धारा 10 के उपखण्ड (23 सी) की उपधारा (vi) के प्रावधानों के अनुरूप कार्य करे।

[क्रमांक:मुआआ/अआआ/(मु.)/जय/10(23सी)(vi)/09-10/3920]

बी. एस. दिल्ली, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF INCOME-TAX

Jaipur, the 22nd January, 2010

No. 14/2009-10

S.O. 343.—In exercise of the powers conferred by sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income-tax Rules, 1962 the Chief Commissioner of Income-tax, Jaipur hereby approves “Kapil Smarak Samiti, Jaipur” for the purpose of said section for the A. Yrs. 2009-2010 & onwards.

Provided that the society conforms to and complies with the provisions of sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 read with rule 2CA of the Income-tax Rules, 1962.

[No. CCIT/JPR/Addl.CIT(Hqrs.)/10(23C)(vi)/2009-10/3920]

B. S. DHILLON, Chief Commissioner of Income-tax

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 25 जनवरी, 2010

का.आ. 344.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) योजना, 1970/1980 के खंड 3 के उपखंड (1) तथा खंड 8 के उपखंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, केन्द्रीय सरकार एतद्वारा, इलाहाबाद बैंक के मौजूदा महाप्रबंधक श्री ए. के. दत्त (जन्म तिथि 13-01-1954) को देना बैंक में 01-03-2010 अथवा बाद की तारीख में अपना पद भार संभालने की तारीख से उनके द्वारा अधिवर्षिता की आयु प्राप्त करने के महीने की अंतिम तारीख अर्थात् 31-01-2014 तक की अवधि के लिए अथवा अगले आदेश होने तक, इनमें से जो भी पहले, हो कार्यपालक निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/12/2009-बीओ-1]

सुमिता डावरा, निदेशक

MINISTRY OF FINANCE (Department of Financial Services)

New Delhi, the 25th January, 2010

S.O. 344.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri A. K. Dutt (DoB: 13-01-1954) presently General Manager, Allahabad Bank as Executive Director, Dena Bank with

effect from the date of his taking over charge of the post on or after 01-03-2010 and upto 31-01-2014 i.e. the last day of month in which he would attain the age of superannuation or until further orders, whichever is earlier.

[F. No. 9/12/2009-BO-I]

SUMITA DAWRA, Director

नई दिल्ली, 25 जनवरी, 2010

का.आ. 345.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) योजना, 1970/1980 के खंड 3 के उपखंड (1) तथा खंड 8 के उपखंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, केन्द्रीय सरकार एतद्द्वारा, देना बैंक के मौजूदा कार्यपालक निदेशक के रूप में कार्यरत श्री भास्कर सेन (जन्म तिथि 09-12-1952) को युनाइटेड बैंक आफ इंडिया के अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करती है। युनाइटेड बैंक आफ इंडिया के वर्तमान अध्यक्ष एवं प्रबंध निदेशक श्री एस. सी. गुप्ता दिनांक 28-02-2010 को अधिवर्षिता की आयु प्राप्त करेंगे और श्री भास्कर सेन की उक्त नियुक्ति श्री गुप्ता के स्थान पर की जाती है। श्री भास्कर सेन की युनाइटेड बैंक आफ इंडिया में अध्यक्ष एवं प्रबंध निदेशक के रूप में होने वाली नियुक्ति उनके द्वारा पद का कार्यभार दिनांक 01-03-2010 अथवा बाद में संभालने की तारीख से प्रभावी होगी और श्री सेन इस पद पर अधिवर्षिता की तारीख प्राप्त करने के महीने की अंतिम तारीख तक अर्थात् 31-12-2012 तक अथवा अगले आदेशों तक, इनमें से जो भी पहले हो, बने रहेंगे।

[फा. सं. 9/12/2009-बीओ-1]

सुमिता डावरा, निदेशक

New Delhi, the 25th January, 2010

S.O. 345.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Bhaskar Sen (DoB: 09-12-1952) presently Executive Director, Dena Bank as Chairman and Managing Director, United Bank of India in place of Shri S.C. Gupta, CMD, who is attaining the age of superannuation on 28-02-2010, with effect from the date of his taking over charge of the post on or after 01-03-2010 and upto 31-12-2012 i.e. the last day of month in which he would attain the age of superannuation or until further orders, whichever is earlier.

[F. No. 9/12/2009-BO-I]

SUMITA DAWRA, Director

नई दिल्ली, 27 जनवरी, 2010

का.आ. 346.—भारतीय स्टेट बैंक (समनुषंगी बैंक) अधिनियम, 1959 की धारा 25 की उपधारा (1) के खण्ड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा,

श्री पी. विनायगम, उप सचिव, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, नई दिल्ली को, श्री ए. थॉमस के स्थान पर तत्काल प्रभाव से और अगले आदेशों तक, स्टेट बैंक आफ त्रावणकोर के निदेशक मंडल में निदेशक के रूप में नामित करती है।

[फा. सं. 9/9/2009-बीओ-1]

सुमिता डावरा, निदेशक

New Delhi, the 27th January, 2010

S.O. 346.—In exercise of the powers conferred by clause (e) of sub-section (1) of Section 25 of The State Bank of India (Subsidiary Banks) Act, 1959, the Central Government, hereby nominates Shri P. Vinayagam, Deputy Secretary, Department of Financial Services, Ministry of Finance, New Delhi as a Director on the Board of Directors of State Bank of Travancore with immediate effect and until further orders *vice* Shri A. Thomas.

[F. No. 9/9/2009-BO-I]

SUMITA DAWRA, Director

नई दिल्ली, 28 जनवरी, 2010

का.आ. 347.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 9 के उपखंड (1) और (2) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खंड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा, श्री मोहिन्दर पाल सिंह, लिपिक/टंकक, पंजाब नैशनल बैंक को अधिसूचना की तिथि से तीन वर्षों की अवधि के लिए अथवा जब तक वे पंजाब नैशनल बैंक के कर्मकार/कर्मचारी के रूप में अपना पद नहीं छोड़ देते अथवा अगले आदेशों तक, जो भी पहले हो, पंजाब नैशनल बैंक के निदेशक मंडल में कर्मकार कर्मचारी निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/34/2009-बीओ-1]

सुमिता डावरा, निदेशक

New Delhi, the 28th January, 2010

S.O. 347.—In exercise of the powers conferred by clause (e) of sub-section 3 of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clauses (1) & (2) of clause 9 of The Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby appoints Shri Mohinder Pal Singh, Clerk/Typist, Punjab National Bank, as Workmen Employee Director on the Board of Directors of Punjab National Bank for a period of three years from the date notification or until he ceases to be a workmen employee of the Punjab National Bank or until further orders, whichever is the earliest.

[F. No. 9/34/2009-BO-I]

SUMITA DAWRA, Director

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 28 जनवरी, 2010

का.आ. 348.—सर्वसाधारण की जानकारी के लिए एतद्द्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (2) के प्रयोजनार्थ कर निर्धारण वर्ष 2008-2009 के आगे से संगठन मैसर्स स्कूल ऑफ ह्यूमन जेनेटिक्स एंड पापुलेशन हेल्थ, कोलकाता को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्यकलापों में लगे 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, अर्थात् :—

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा जिसमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप-धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से ऐसी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप-धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;
- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केंद्र सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठन :—

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त दान एवं प्रयुक्त धनराशि का विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ड के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 4/2010/फा.सं. 203/64/2009-आ.क.नि.-II]

डा. संजय कुमार लाल, अवर सचिव

(Department of Revenue)

(Central Board of Direct Taxes)

New Delhi, the 28th January, 2010

S.O. 348.—It is hereby notified for general information that the organization M/s. School of Human Genetics and Population Health, Kolkata, has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), from Assessment Year 2008-2009 onwards in the category of 'Other Institution', partly engaged in research activities subject to the following conditions, namely :—

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :—

- (a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 4/2010/F. No. 203/64/2009/ITA-II]

DR. SANJAY KUMAR LAL, Under Secy.

नई दिल्ली, 28 जनवरी, 2010

का. आ. 349.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (iii) के प्रयोजनार्थ कर निर्धारण वर्ष 2009-2010 से आगे संगठन द इंडियन लॉ इंस्टीट्यूट, नई दिल्ली को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्यकलापों में लगे 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, अर्थात्:—

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग सामाजिक विज्ञान में अनुसंधान के लिए किया जाएगा,
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से सामाजिक विज्ञान में अनुसंधान अथवा सांख्यिकीय अनुसंधान करेगा,
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप-धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप-धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;
- (iv) अनुमोदित संगठन सामाजिक विज्ञान में अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केंद्र सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठन:—

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा, अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा, अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित सामाजिक विज्ञान में अनुसंधान अथवा सांख्यिकीय अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा

(ड) उक्त नियमावली के नियम 5ग और 5ड के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (iii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 5/2010 फा. सं. 203/75/2009-आ.क.नि. -II]

डॉ. संजय कुमार लाल, अवर सचिव

New Delhi, the 28th January, 2010

S.O. 349.—It is hereby notified for general information that the organization The Indian Law Institute, New Delhi has been approved by the Central Government for the purpose of clause (iii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (said Act), read with rules 5C and 5E of the Income-tax Rules, 1962 (said Rules) from Assessment Year 2009-2010 onwards in the category of 'Other Institution' partly engaged in research activities subject to the following conditions, namely:—

- (i) The sums paid to the approved organization shall be utilized for research in social sciences;
- (ii) The approved organization shall carry out research in social or statistical research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (i) of section 139 of the said Act;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for research in social sciences and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization:—

- (a) fails to maintain separate books of account referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of Paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for research in social

sciences or statistical research referred to in sub-paragraph (iv) of Paragraph 1; or

- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (iii) of sub-section (1) of Section 35 of the said Act, read with rules 5C and 5E of the said Rules.

[Notification No. 5/2010/F.No. 203/75/2009/ITA-II]

DR. SANJAY KUMAR LAL, Under Secy.

नई दिल्ली, 28 जनवरी, 2010

का. आ. 350.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5घ के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ वर्ष 2009-2010 के आगे संगठन मैसर्स सुन्दर लाल जैन चैरिटेबल आई हस्पिटल, नई दिल्ली को निम्नलिखित शर्तों के अधीन 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, अर्थात्:—

- (i) अनुमोदित 'वैज्ञानिक अनुसंधान संघ' का एक मात्र उद्देश्य वैज्ञानिक अनुसंधान करना होगा,
- (ii) अनुमोदित संगठन वैज्ञानिक अनुसंधान कार्य-कलाप स्वयं करेगा;
- (iii) अनुमोदित संगठन खाता बही रखेगा जिसमें तथा उक्त अधिनियम की धारा 288 की उप-धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप-धारा (1) के अंतर्गत आय विवरणी प्रस्तुत की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;
- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केंद्र सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठन:—

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा, अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा, अथवा

(ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा, अथवा

(घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा

(ङ) उक्त नियमावली के नियम 5ग और 5घ के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 6/2010-फा. सं. 203/87/2009-आ.क.नि.-II]

डॉ. संजय कुमार लाल, अवर सचिव

New Delhi, the 28th January, 2010

S.O. 350.—It is hereby notified for general information that the organization M/s. Sunder Lal Jain Charitable Eye Hospital, New Delhi, has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), from Assessment year 2009-2010 onwards in the category of 'other Institution', party engaged in research activities subject to the following conditions, namely:—

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of section 139 of the said Act;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization:—

- (a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 6/2010/F.No. 203/87/2009/ITA-II]

DR. SANJAY KUMAR LAL, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 18 जनवरी, 2010

का. आ. 351.—केन्द्रीय सरकार भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के बाद दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है; अर्थात्:

2. दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में एम.जे.पी. रोहेलखंड विश्वविद्यालय, बरेली द्वारा प्रदत्त डेंटल डिग्रियों को मान्यता देने के संबंध में क्रम संख्या 61 के सामने स्तंभ 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां उसके अंतर्गत रखी जाएंगी:—

“IV. तीर्थकर महावीर डेंटल कॉलेज एंड रिसर्च सेंटर मुरादाबाद (उत्तर प्रदेश)

(i) दंत शल्य चिकित्सा स्नातक बीडीएस, एम.जे.पी. रोहेलखंड (यदि यह 26-8-2009 को अथवा विश्वविद्यालय, बरेली”

उसके उपरान्त प्रदान की गई हो

[सं. बी. 12017/27/2004-डी ई]

आर. शंकरन, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 18th January, 2010

S.O. 351.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental degree Council of India, hereby makes the fol-

lowing amendments in Part-I of the Schedule to the said Act, namely:—

2. In the existing entries of column 2 & 3 against Serial No. 61, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degree awarded by MJP Rohilkhand University, Bareilly, the following entries shall be inserted thereunder:—

IV. Teerthankar Mahaveer Dental College & Research Centre, Moradabad (U.P)
(i) Bachelor of Dental Surgery BDS, MJP Rohilkhand (if granted on or after 26-8-2009) University Bareilly”

[No. V. 12017/27/2004-DE]

R. SANKARAN, Under Secy.

नई दिल्ली, 15 जनवरी, 2010

का. आ. 352.—केन्द्रीय सरकार भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के बाद दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है; अर्थात्:

2. दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में गुजरात विश्वविद्यालय, अहमदाबाद द्वारा प्रदत्त डेंटल डिग्रियों को मान्यता देने के संबंध में क्रम संख्या 19 के सामने स्तंभ 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां उसके अंतर्गत रखी जाएंगी:—

“19. गुजरात विश्वविद्यालय, करणावती स्कूल ऑफ बीडीएस, अहमदाबाद डेंटिस्ट्री गांधीनगर गुजरात (गुजरात) (i) दंत विश्वविद्यालय, शल्य (चिकित्सा स्नातक अहमदाबाद” (यदि यह 10-8-2009 को अथवा उसके उपरान्त प्रदान की गई हो)

[सं. बी. 12017/48/2004-डी ई]

आर. शंकरन, अवर सचिव

New Delhi, the 15th January, 2010

S.O. 352.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:—

2. In the existing entries of column 2 & 3 against Serial No. 19, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental de-

degrees awarded by Gujarat University, Ahmedabad, the following entries shall be inserted thereunder:—

"19 Gujarat University, Ahmedabad.	Karnavati School of Dentistry,	BDS,
	Gandhinagar,	Gujarat
	Gujarat	University
	(i) Bachelor of Dental Surgery (if granted on or after 10-8-2009)	Ahmedabad"

[F.No. V. 12017/48/2004-DE]

R. SANKARAN, Under Secy.

संचार एवं सूचना प्रौद्योगिकी मंत्रालय

(दूरसंचार विभाग)

(संपदा अनुभाग)

नई दिल्ली, 25 जनवरी, 2010

का. आ. 353.— सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार तत्कालीन संचार मंत्रालय (डाक व तार बोर्ड) के कानूनी आदेश सं. 1576, दिनांक 28 मई, 1977 के तहत भारत सरकार की अधिसूचना में आगे निम्नलिखित संशोधन कर रही है :-

कथित अधिसूचना की सारणी में, क्र.सं. 17, 19 से 35 (दोनों शामिल), 37 से 62 (दोनों शामिल) और 67 से 104 (दोनों शामिल) और इनसे संबंधित प्रविष्टियों को हटाया जाएगा।

[सं. 4-10/2003-संपदा]

डा. विन्सेंट बारला, निदेशक (स्टाफ संबंध)

नोट : मूल अधिसूचना भारत के राजपत्र में कानूनी आदेश 1576, दिनांक 28 मई, 1977 के तहत प्रकाशित की गई थी और तत्पश्चात् कानूनी आदेश 3574 दिनांक 9 दिसंबर 1978; कानूनी आदेश 4626, दिनांक 24 दिसंबर, 1983; कानूनी आदेश 3017, दिनांक 31 अक्टूबर, 1987; कानूनी आदेश 2853, दिनांक 14 नवंबर, 1992; कानूनी आदेश 980, दिनांक 15 मई 1993; कानूनी आदेश 1798, दिनांक 9 जुलाई, 1997 और कानूनी आदेश 316, दिनांक 30 जनवरी, 1999 के तहत इसे संशोधित किया गया।

MINISTRY OF COMMUNICATIONS AND
INFORMATION TECHNOLOGY
(DEPARTMENT OF TELECOMMUNICATIONS)

(Estates Section)

New Delhi, the 25th January, 2010

S.O. 353.— In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following further amendments in the

notification of the Government of India in the erstwhile Ministry of Communications (Posts and Telegraph Board) number S.O. 1576, dated 28th May, 1977, namely:—

In the Table to the said notification, the serial numbers 17, 19 to 35 (both inclusive), 37 to 62 (both inclusive) and 67 to 104 (both inclusive) and the entries relating thereto shall be omitted.

[No. 4-10/2003-Estates]

DR. VINCENT BARLA, Director (Staff Relations)

Note:— The principal notification was published in the Gazette of India, vide number S.O. 1576, dated the 28th May 1977 and subsequently amended vide numbers S.O. 3574, dated the 9th December, 1978; S.O. 4626, dated the 24th December 1983; S.O. 3017, dated the 31st October, 1987; S.O. 2853, dated the 14th November, 1992; S.O. 980, dated the 15th May 1993; S.O. 1798, dated the 9th July, 1997 and S.O. 316 dated the 30th January, 1999.

नई दिल्ली, 2 फरवरी, 2010

का. आ. 354.— जबकि केंद्र सरकार का यह मत है कि श्री सुभाष गुप्ता, जेटीओ (सेवानिवृत्त), हरियाणा दूरसंचार सर्किल, अम्बाला से संबंधित विभागीय जांच के प्रयोजनार्थ श्री रविन्दर कौशिक, निवासी, 128/11, दमदमा मोहल्ला, कौशिक चौक, झज्जर, हरियाणा को साक्षी के रूप में बुलाना/उनसे कोई दस्तावेज मांगना जरूरी है।

अतः अब केंद्र सरकार एतद्वारा (साक्षी की उपस्थिति और दस्तावेज प्रस्तुत करने संबंधी अनिवार्यता अधिनियम, 1972 (1972 का 18), की धारा-4, उपधारा (1) कि तहत प्रदत्त शक्तियों का प्रयोग में श्री जे. पी. सिंह, डी.जी.एम. (ऑफिस) सह जांच अधिकारी, भारत संचार निगम लिमिटेड, हरियाणा सर्किल का कार्यालय, अंबाला को साक्षी को उपस्थित होने का निर्देश देने संबंधी उक्त अधिनियम की धारा 5 में विनिर्दिष्ट शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

राष्ट्रपति के आदेश से और उनकी ओर से।

[सं. 8-4/2005-सतर्कता-II]

के. के. मिगलानी, उप सचिव

New Delhi, the 2nd February, 2010

S.O. 354.— Whereas the Central Government is of opinion that for the purpose of the Departmental inquiry relating to Shri Subhash Gupta, JTO, (Retired), Haryana Telecom Circle, Ambala it is necessary to summon as witnesses/call for any document from Shri Ravinder Kaushik, R/o 128/11, Damdma Mohalla, Kaushik Chauk Jhajjar, Haryana.

Now therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Departmental Inquiries (Enforcement of Attendance of Witnesses and Production

of Documents) Act, 1972 (18 of 1972), the Central Government hereby authorizes Shri J.P.Singh DGM (Off) cum Inquiry Officer, BSNL, Haryana Telecom, Circle, Ambala to exercise the powers specified in Section 5 of the said Act in relation to summon a witness.

By order and in the name of the President.

[No. 8-4/2005-Vig-II]

K. K. MIGLANI, Dy. Secy.

(डाक विभाग)

नई दिल्ली, 27 जनवरी, 2010

का. आ. 355.— राजभाषा नियम (संघ के शासकीय प्रयोजनों के लिए प्रयोग), 1976 के नियम -10 के उप नियम (4) के अनुसरण में केंद्र सरकार, डाक विभाग के निम्न : अधीनस्थ कार्यालयों को जिसके 80 प्रतिशत कर्मचारियों (ग्रुप 'घ' कर्मचारियों को छोड़कर) ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

क्रम सं.	कार्यालय का नाम (डाकघर)	पिन कोड
1.	रेल डाक सेवा अम्बाला (एच.आर. मंडल)	133001
2.	प्रधान अभिलेख कार्यालय, अम्बाला (एच.आर. मंडल)	133001
3.	उप अभिलेख कार्यालय, करनाल (एच.आर. मंडल)	132001
4.	उप अभिलेख कार्यालय, सोनीपत (एच.आर. मंडल)	131001
5.	उप अभिलेख कार्यालय, कुरुक्षेत्र (एच.आर. मंडल)	136118
6.	उप अभिलेख कार्यालय, पानीपत (एच.आर. मंडल)	132103
7.	अभिलेख कार्यालय, रेलवे डाक सेवा कालका (एच.आर. मंडल)	133302

[सं. 11017-1/2009-रा.भा.]

मीरा हांडा, उपमहानिदेशक (पी. ओ. एवं आई/रा.भा)

(Department of Posts)

New Delhi, the 27th January, 2010

S.O. 355.— In Pursuance of Rule 10 (4) of the Official Language (use for official purposes of the Union) Rule 1976, the Central Government hereby notifies the following Subordinate Offices of the Department of Posts where 80 percent staff has acquired the working knowledge of Hindi :—

Sl. No.	Name of the Office (Post Offices)	Pin Code
1.	Railway Mail Service, Ambala, (H. R. Mandal)	133001
2.	Head Record Office, Ambala, (H. R. Mandal)	133001
3.	Sub Record Office, Karnal, (H. R. Mandal)	132001
4.	Sub Record Office, Sonapat, (H. R. Mandal)	131001
5.	Sub Record Office, Kurkshetra, (H. R. Mandal)	136118
6.	Sub Record Office, Panipat, (H. R. Mandal)	132103
7.	Record Office Railway Mail Service, Kalka, (H. R. Mandal)	133302

[No. 11017-1/2009-OL]

MEERA HANDA, Dy. Director General (PO & I/OL)

सूचना एवं प्रसारण मंत्रालय

नई दिल्ली, 21 जनवरी, 2010

का. आ. 356.— इस मंत्रालय के दिनांक 10-11-2009 की समसंख्यक संख्या की अधिसूचना के क्रम में तथा चलचित्र (प्रमाणन) नियम 1983 के नियम 7 एवं 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार निम्नलिखित व्यक्तियों को तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेश होने तक, इनमें से जो भी पहले हो, केंद्रीय फिल्म प्रमाणन बोर्ड के चेन्नई सलाहकार पैनल का सदस्य नियुक्त करती है।

क्रम सं.	नाम
1.	श्रीमती कक्कन कस्तुरीबाई, 244, 39वीं गली, 8वां सेक्टर, के. के. नगर, चेन्नई-600078
2.	श्री आर. शन्मुगसुन्दरम्, 1सी, ओल्ड टावर ब्लॉक, नंदनम विस्तार (एक्सटेंशन), चेन्नई-600035

[फा. सं. 809/1/2009-एफ(सी)]

अमिताभ कुमार, निदेशक (फिल्म)

MINISTRY OF INFORMATION AND
BROADCASTING

New Delhi, the 21st January, 2010

S.O. 356.— In continuation of Ministry's Notification of even number, dated 10-11-2009 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 & 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint the following persons as members of the Chennai Advisory

Panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier :

S.No. Name

1. Smt. Kakkan Kasthuribai, 244, 39th Street, 8th Sector, K.K. Nagar, Chennai-600078
2. Shri R. Shanmugasundaram, 1C, Old Tower Block, Nandanam Ext. Chennai-600035

[F.No. 809/1/2009-F(C)]

AMITABH KUMAR, Director (Films)

नई दिल्ली, 22 जनवरी, 2010

का. आ. 357.—केंद्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, दूरदर्शन महानिदेशालय (सूचना और प्रसारण मंत्रालय) के निम्नलिखित अधीनस्थ केंद्रों/कार्यालयों, जिनके 80% से अधिक कर्मचारीवृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :—

1. दूरदर्शन अनुरक्षण केंद्र, बरहामपुर ।
2. दूरदर्शन उच्च शक्ति ट्रांसमीटर, अजमेर ।
3. दूरदर्शन अनुरक्षण केंद्र, कण्णूर ।
4. दूरदर्शन अल्प शक्ति ट्रांसमीटर, कासरगोड़ ।
5. दूरदर्शन अल्प शक्ति ट्रांसमीटर, तलीशेरी ।
6. दूरदर्शन अल्प शक्ति ट्रांसमीटर, कलपेट ।
7. दूरदर्शन उच्च शक्ति ट्रांसमीटर, कण्णूर ।
8. दूरदर्शन अनुरक्षण केंद्र, जम्मू (उत्तर) ।
9. दूरदर्शन अल्प शक्ति ट्रांसमीटर, रियासी ।
10. दूरदर्शन उच्च शक्ति ट्रांसमीटर, विशाखापट्टणम ।
11. दूरदर्शन उच्च शक्ति ट्रांसमीटर, लखीमपुर-खीरी ।

[सं. ई-11017/6/2010-हिंदी]

प्रियम्बदा, निदेशक (राजभाषा)

New Delhi, the 22nd January, 2010

S.O. 357.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules 1976, the Central Government hereby notifies the following Offices under Directorate General of Doordarshan (Ministry of Information and Broadcasting), more than 80 percent of the staff where of have acquired the working knowledge of Hindi :—

1. Doordarshan Maintenance Centre, Berhampur
2. Doordarshan High Power Transmitter, Ajmer
3. Doordarshan Maintenance Centre, Cannanore
4. Doordarshan Low Power Transmitter, Kasargodh
5. Doordarshan Low Power Transmitter, Tallicherry
6. Doordarshan Low Power Transmitter, Kalpetta
7. Doordarshan High Power Transmitter, Cananore
8. Doordarshan Maintenance Centre, Jammu (North)
9. Doordarshan Low Power Transmitter, Riyasi
10. Doordarshan High Power Transmitter, Vishakhapatnam
11. Doordarshan High Power Transmitter, Lakhimpur-Khiri

[No. E-11017/6/2010-Hindi]

PRIYAMVADA, Director (O.L.)

कृषि मंत्रालय

(कृषि अनुसंधान एवं शिक्षा विभाग)

नई दिल्ली, 25 जनवरी, 2010

का. आ. 358.—केंद्रीय सरकार, कृषि अनुसंधान एवं शिक्षा विभाग, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली 1976 के नियम 10 के उपनियम (4) के अनुसरण में केंद्रीय कपास प्रौद्योगिकी अनुसंधान संस्थान, मुम्बई (भा.कृ.अ.प.) के गुणता मूल्यांकन इकाई ओटाई प्रशिक्षण केंद्र, नागपुर को जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है ।

[सं. 13-10/2009-हिंदी]

आर. चौधरी, अवर सचिव

MINISTRY OF AGRICULTURE

(Department of Agricultural Research and Education)

New Delhi, the 25th January, 2010

S.O. 358.—In pursuance of sub-Rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rule 1976, the Central Government Ministry of Agriculture, Department of Agricultural Research & Education hereby notifies the Quality Evaluation Unit Ginning Training Centre, Nagpur (ICAR) where more than 80 percent of staff have acquired the working knowledge of Hindi :—

[No. 13-10/2009-Hindi]

R. CHAUDHARY, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

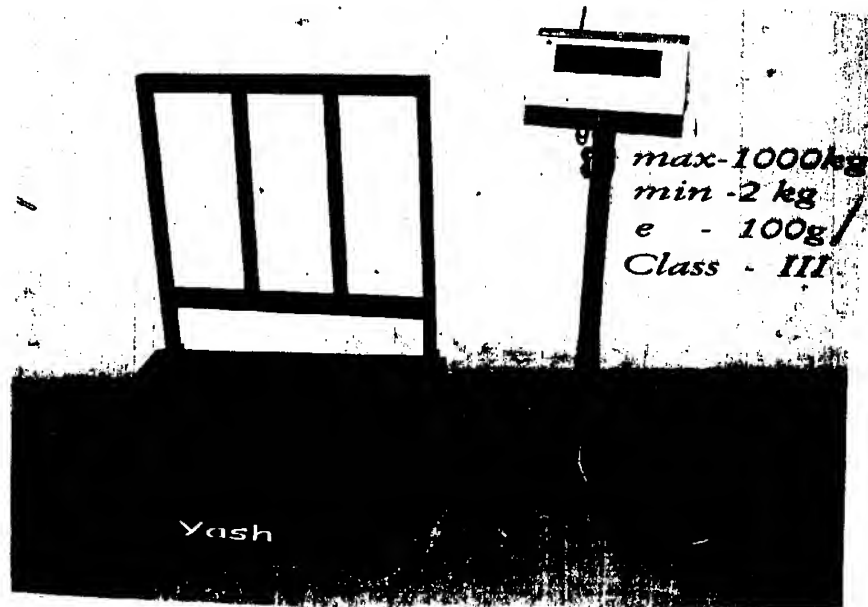
(उपभोक्ता मामले विभाग)

नई दिल्ली, 7 जनवरी, 2010

का.आ. 359.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स यश वेंडिंग सिस्टम, 92-बी, अवतिका नगर, संगम नगर के पास, मारीमाता, इंदौर, मध्य प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "वाईपीएस" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "यश" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/555 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

सीलिंग सील के लिए उपकरण के तल और शीर्ष में छेद ड्रिल करके, इनमें से सील वायर निकाल कर चौकोर लीड सील की जाती है। सील तोड़े बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि. ग्रा. तक की क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (206)/2008]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 7th January, 2010

S.O. 359.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (Accuracy Class-III) of series "YPS" and with brand name "YASH" (hereinafter referred to as the said model), manufactured by M/s. Yash Weighing System, 92-B, Avantika Nagar, Near Sangam Nagar, Marimata, Indore, M.P. and which is assigned the approval mark IND/09/08/555;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg. and minimum capacity of 2Kg. The verification scale interval (e) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volt, 50 Hertz alternative current power supply.

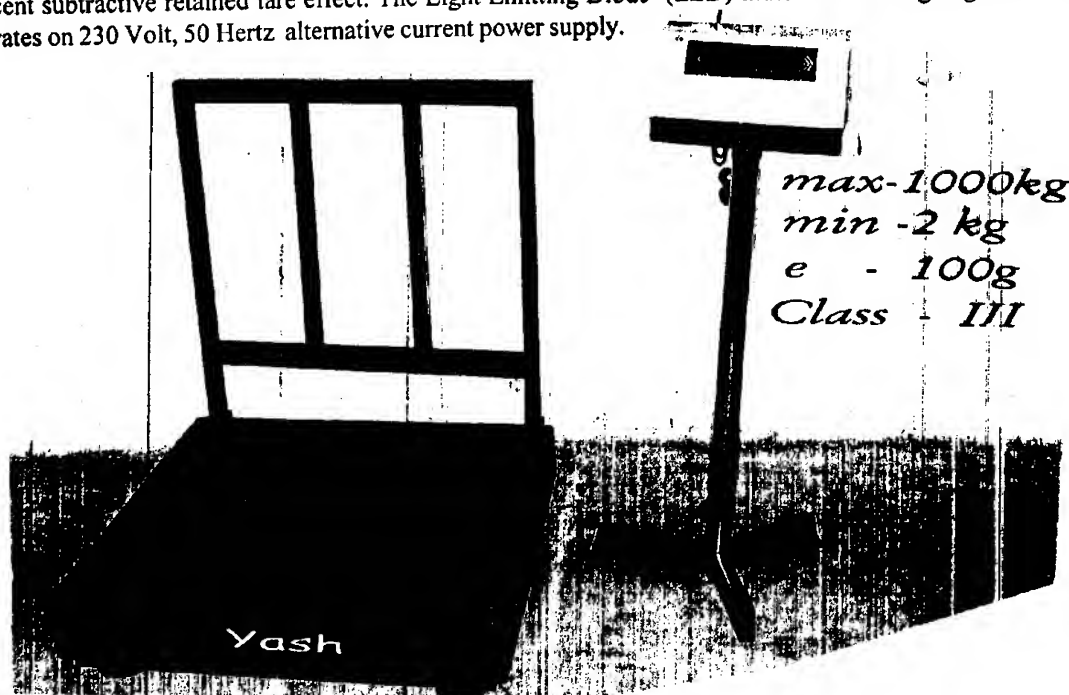


Figure-2—Sealing provision of the indicator of model

For sealing seal hole are drilled to bottom and top of the indicator then a seal wire is passed through these holes and a square lead seal is applied. The indicator can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and up to 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (206)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 7 जनवरी, 2010

का.आ. 360.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स यश वेंग सिस्टम, 92-बी, अवतिका नगर, संगम नगर के पास, मारीमाता, इंदौर, मध्य प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "वाईएफडब्ल्यू" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज टाइप) के मॉडल का, जिसके ब्रांड का नाम "यश" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/562 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (वेब्रिज टाइप) का तोलन उपकरण है। इसकी अधिकतम क्षमता 30 टन है और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

सीलिंग सील के लिए उपकरण के तल और शीर्ष में छेद डिल करके, इनमें से सील वायर निकाल कर चौकोर लीड सील की जाती है। सील तोड़े बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (206)/2008]

आर. माधुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th January, 2010

S.O. 360.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use, and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge Type) with digital indication of medium accuracy (Accuracy Class-III) of series "YFW" and with brand name "YASH" (hereinafter referred to as the said model), manufactured by M/s. Yash Weighing System, 92-B, Avantika Nagar, Near Sangam Nagar, Marimata, Indore, M.P. and which is assigned the approval mark IND/09/08/562:

The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge Type) with a maximum capacity of 30tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50 Hertz alternative current power supply.



Figure-2—Sealing provision of the indicator of the model

For sealing seal hole are drilled to bottom and top of the indicator then a seal wire is passed through these holes and a square lead seal is applied. The indicator can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (206)/2008]

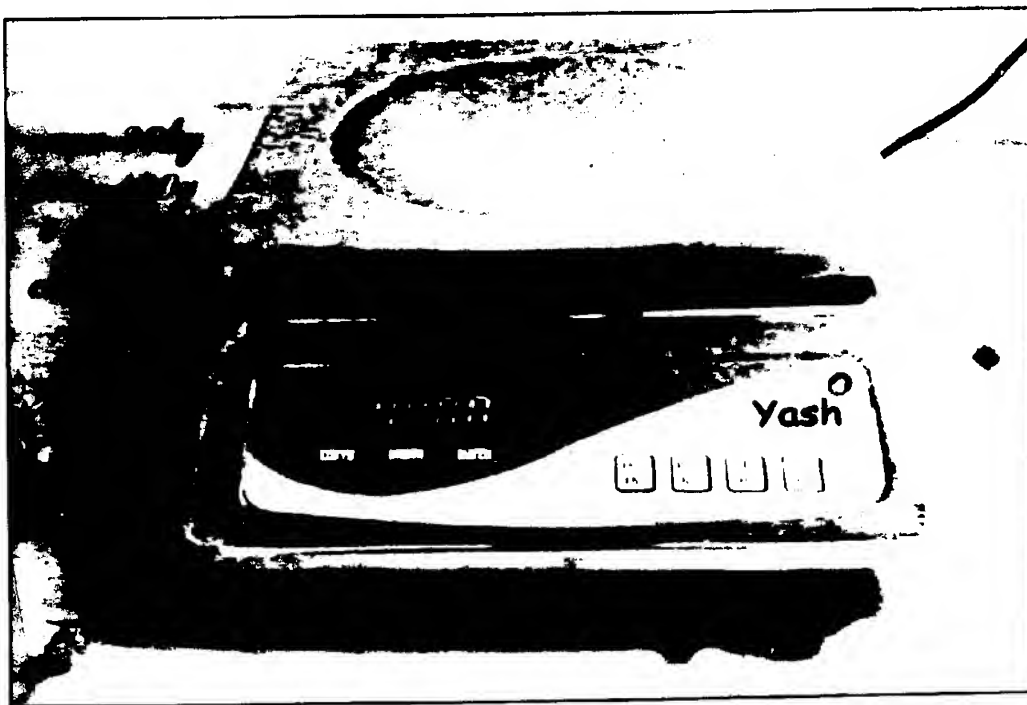
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 7 जनवरी, 2010

का.आ. 361.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स यश वेंडिंग सिस्टम, 92-बी, अवतिका नगर, संगम नगर के पास, मारीमाता, इंदौर, मध्य प्रदेश द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले “वाईटीएस” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “यश” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/554 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

सीलिंग सील के लिए उपकरण के तल और शीर्ष में छेद ड्रिल करके, इनमें से सील वायर निकाल कर चौकोर लीड सील की जा सकती है। सील को तोड़े बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (206)/2008]

आर. माधुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th January, 2010

S.O. 361.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top Type) with digital indication of high accuracy (Accuracy Class-II) of series "YTS" and with brand name "YASH" (hereinafter referred to as the said model), manufactured by M/s. Yash Weighing System, 92-B, Avantika Nagar, Near Sangam Nagar, Marimata, Indore, M.P. and which is assigned the approval mark IND/09/08/554;

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 30kg. and minimum capacity of 100kg. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230V, 50Hz alternative current power supply.

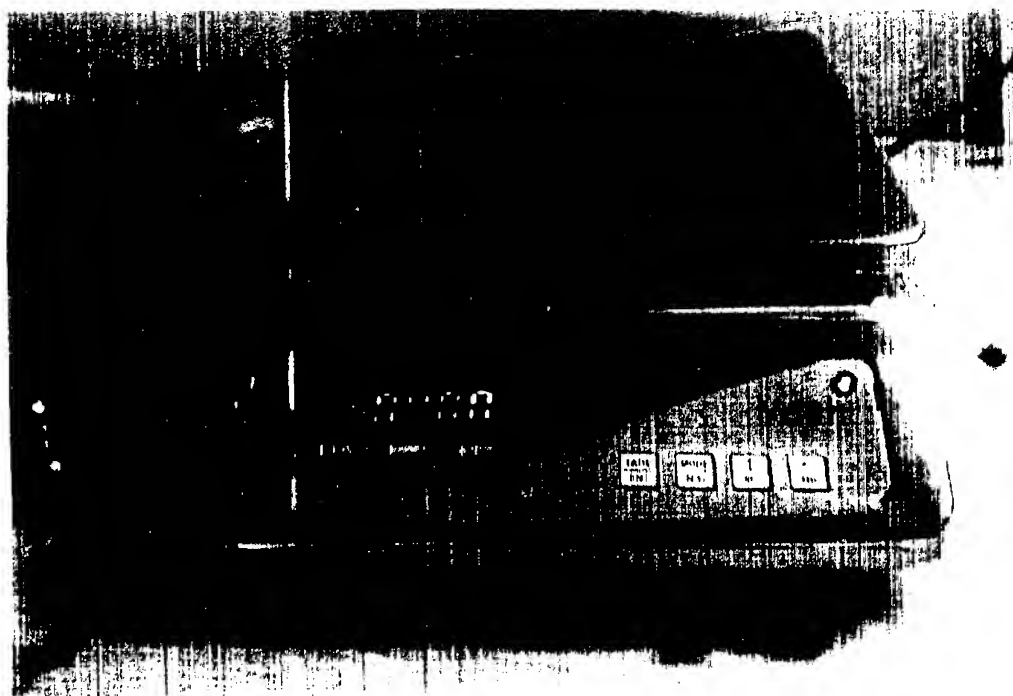


Figure-2—Schematic diagram of the model

For sealing seal hole are drilled to bottom and top of the instrument then a seal wire is passed through these holes and a square lead seal is applied. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg. verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (206)/2008]

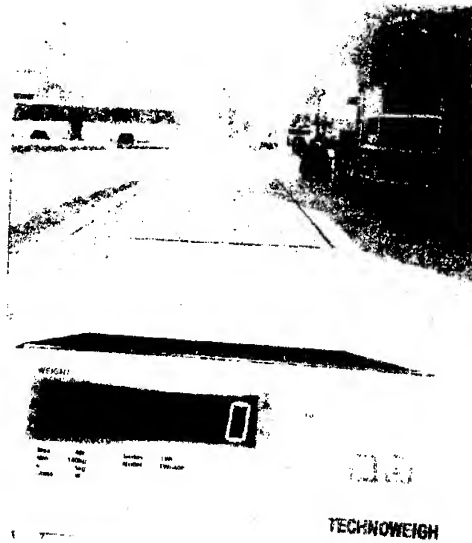
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 7 जनवरी, 2010

का.आ. 362.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स टेक्नोव्हे इंडिया, ए-42, डीएसआईएससी, झिलमिल कालोनी, दिल्ली-110095 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "टीडब्ल्यूआई" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेन्निज प्रकार) के मॉडल का, जिसके ब्रांड का नाम "टेक्नोव्हे" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/560 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (वेन्निज प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

सील और वायर के साथ सीलिंग की जाती है ताकि सील तोड़े बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उरती सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 150 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा सं. डब्ल्यू एम-21 (218)/2008]

आर. माधुरसूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th January, 2010

S.O. 362.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge Type) with digital indication of medium accuracy (Accuracy Class-III) of series "TWI" and with brand name "TECHNOWEIGH" (hereinafter referred to as the said model), manufactured by M/s. Technoweigh India, A-42, DSISC, Jhilmil Colony, Delhi-110095 and which is assigned the approval mark IND/09/08/560;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge Type) with a maximum capacity of 40 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230V, 50Hz alternative current power supply.

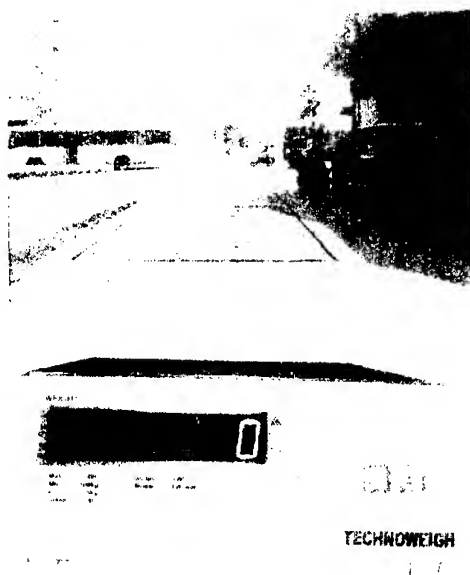


Figure-2—Sealing provision of the indicator of the model

Sealing is done with the seal and wire so that indicator can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5tonne and up to 150 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (218)/2008]

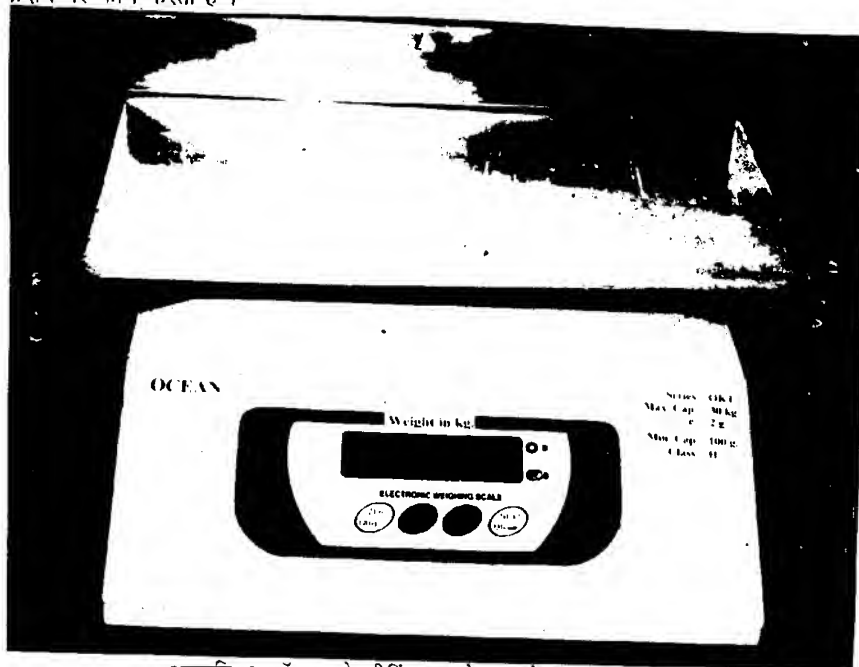
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 7 जनवरी, 2010

का.आ. 363.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स ओसिएन किंग इंटरनेशनल, 6213/8, साइट नं. 4, हरगोविंद नगर, लुधियाना-141008, पंजाब द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "ओकेटी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ओसिएन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/460 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल के सीलिंग करने का योजनाबद्ध डायग्राम

सर्किट की सुरक्षा के लिए स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए यांत्रिक एस्मबली को लीड सील लगाई जाएगी। उपकरण के ढांचे में प्रदान किए गए छेदों के जरिए सील और सील वायर का उपयोग करते हुए सीलबंद की जा सकेगी। सील को तोड़े बिना उपकरण को खोला नहीं जा सकेगा। मॉडल को सीलबंद करने का एक योजनाबद्ध प्रारूप ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} और 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू.एम-21 (156)/2008]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th January, 2010

S.O. 363.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top Type) with digital indication of high accuracy (Accuracy Class-II) of series "OKT" and with brand name "OCEAN" (hereinafter referred to as the said model), manufactured by M/s. Ocean King International, 6213/8, Site No. 4, Hargovind Nagar, Ludhiana-141008. Punjab and which is assigned the approval mark IND/09/08/460;

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230V, 50Hz alternative current power supply.

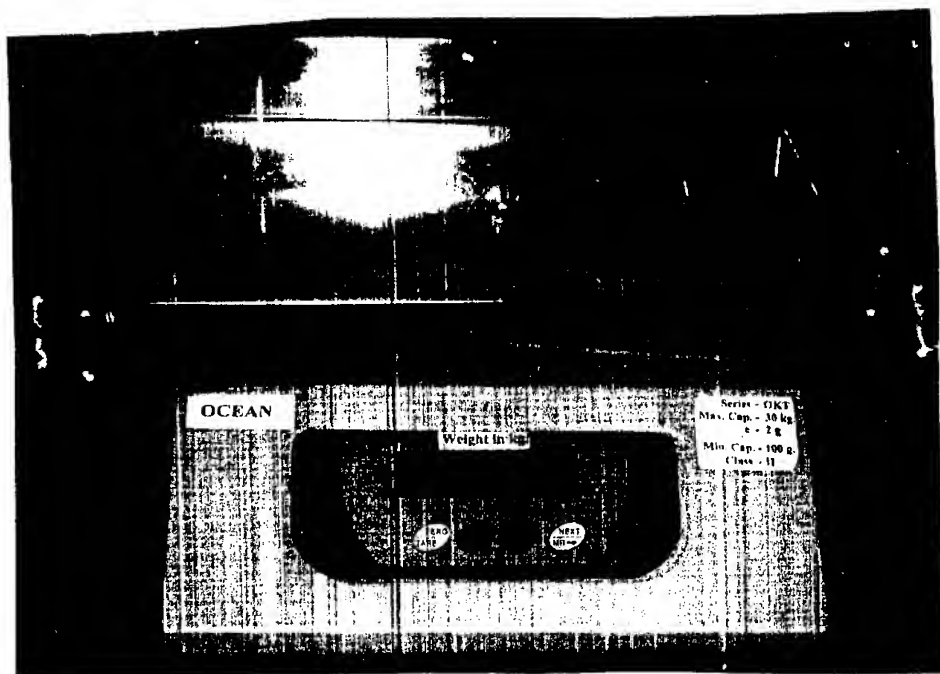


Figure-2—Schematic diagram of the model

Lead seal is affixed on the stamping plate for the security of circuit and mechanical assembly to avoid fraudulent use. Sealing can be done by applying lead and seal wire through the holes provided on the body of the instrument. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (156)/2008]

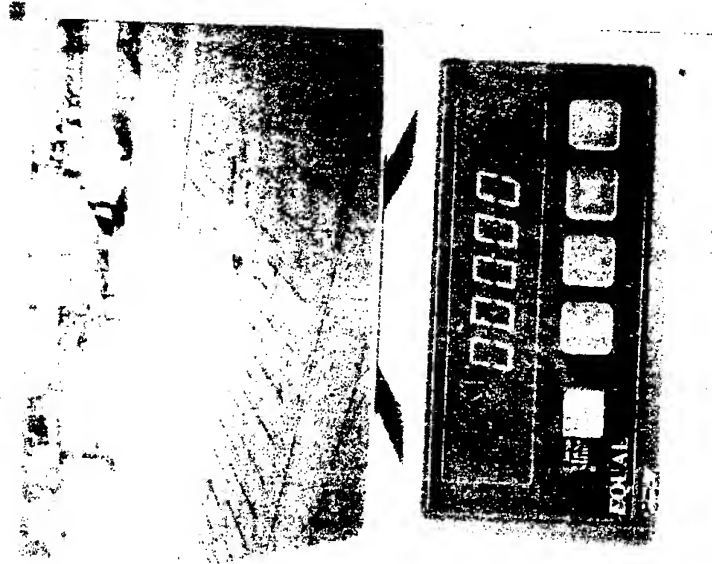
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 जनवरी, 2010

का.आ. 364.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स यूनिक पावर टेक्नोलॉजी, 33, उदय नगर, अजमेर रोड, जयपुर-302019 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "ईक्व्यूडब्ल्यू-4" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम "इक्वल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/113 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) है। इसकी अधिकतम क्षमता 30 टन है और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 सीलिंग प्रावधान

ईंडिकेटर के फ्रंट और बेस प्लेट में छेद बनाकर सीलिंग की जाती है, इन छेदों में से वायर निकाला जाता है और लीड सील वायर पर लगायी जाती है। उपकरण को सील के छेड़छाड़ किए बिना नहीं खोला जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनायुक्त डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (21)/2008]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th January, 2010

S.O. 364.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge Type) with digital indication of medium accuracy (Accuracy Class-III) of series "EQW-4" and with brand name "EQUAL" (hereinafter referred to as the said model), manufactured by M/s. Unique Power Technologies, 33, Udai Nagar, Ajmer Road, Jaipur-302019, Rajasthan and which is assigned the approval mark IND/09/08/113:

The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge Type) with a maximum capacity of 30tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.



Figure-2—Sealing arrangement

Sealing is done through the holes made in the base plate and front of the indicator, then a wire is passed through these holes and the lead seal is fixed on the wire. The instrument can not be open without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5tonne and upto 100tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (21)/2008]

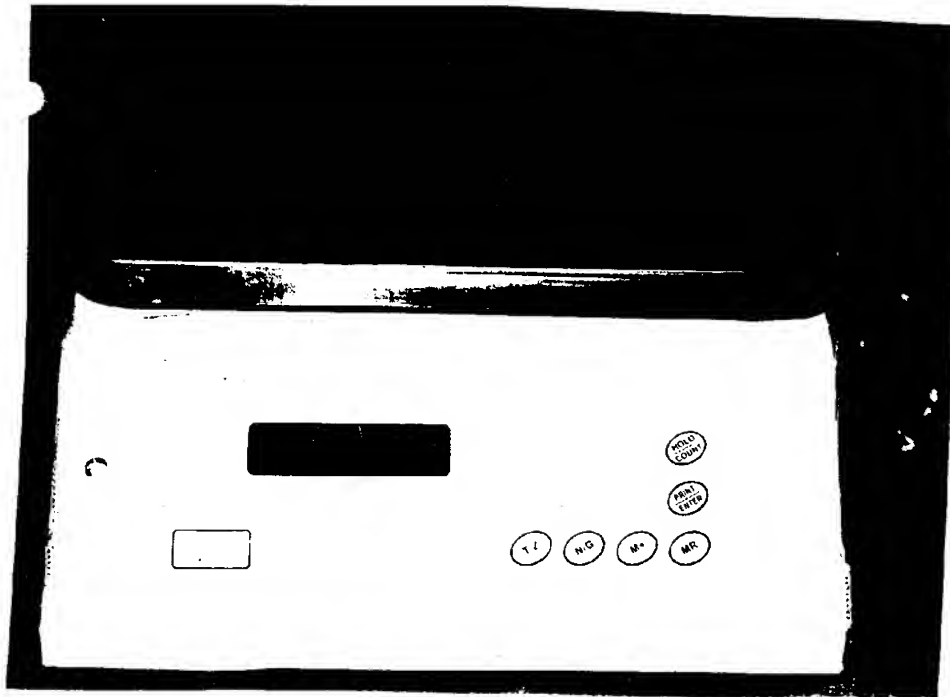
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 जनवरी, 2010

का.आ. 365.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एक्सोन इलेक्ट्रॉनिक वेइंग स्केल, नं. 20, डब्ल्यू मुनुस्वामी स्ट्रीट, स्तुआरपेट, अराक्कोनम-631001 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "ईटीटी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एक्सोन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/493 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

उपकरण के इंडिकेटर को सीलबंद करने के लिए स्टाम्पिंग प्लेट के पास दो छेद किए जाएंगे जिन्हें सीसा और सीसा तार द्वारा सीलबंद किया जाएगा। सील को तोड़े बिना उपकरण को खोला नहीं जा सकेगा। मॉडल को सीलबंद करने का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-3} , 2×10^{-3} और 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (177)/2008]

आर. माधुरवृधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th January, 2010

S.O. 365.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop Type) with digital indication of “ETT” series of medium accuracy (accuracy Class-III) and with brand name “EXON” (hereinafter referred to as the said model), manufactured by M/s. Exon Electronic Weighing Scales, No. 20, W. Munuswamy Street, Stuarpet, Arakkonam-631001, T. N. and which is assigned the approval mark IND/09/08/493;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop Type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The Light emitting diode (LED) display indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.

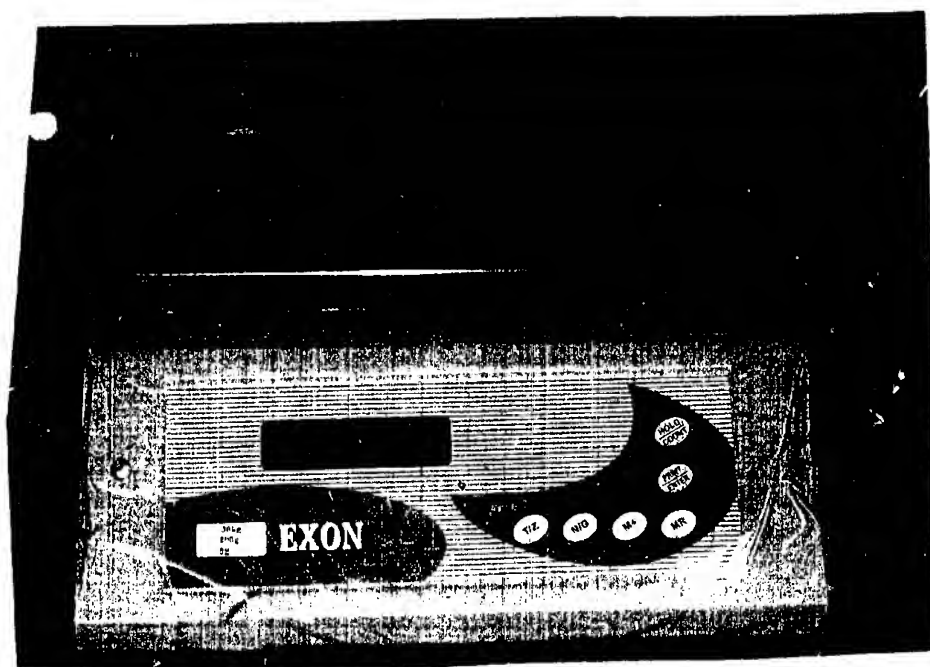


Figure-2—Sealing diagram of the model

For sealing two holes are made near the stamping plate on the instrument which are sealed by lead and seal wire. The instrument can not be opened without breaking the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 10,000 for ‘e’ value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g. or more and with ‘e’ value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (177)/2008]

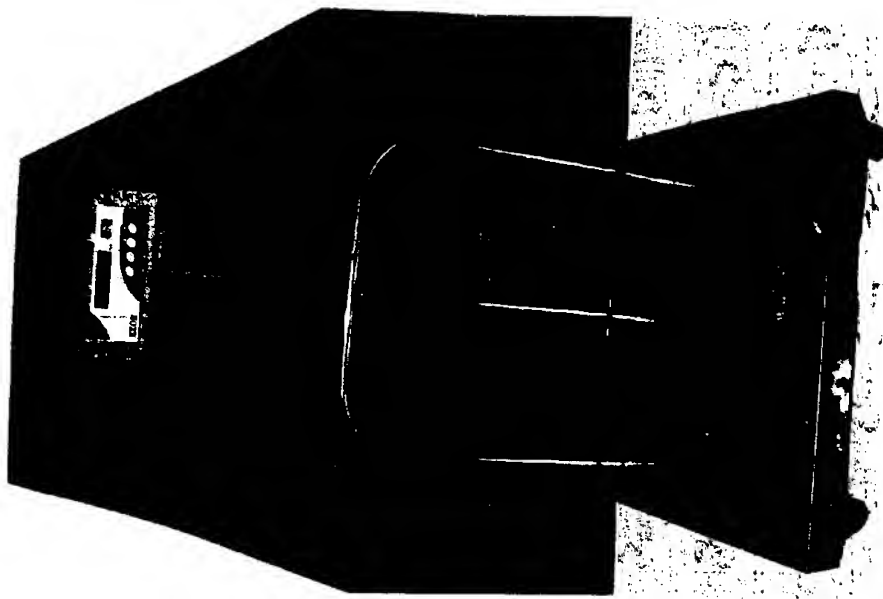
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 जनवरी, 2010

का.आ. 366.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स एक्सोन इलेक्ट्रॉनिक वेइंग स्केल, नं. 20, डब्ल्यू मुनुस्वामी स्ट्रीट, स्तुआरपेट, अरावकोनम-631001 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "ईपीटी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एक्सोन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/494 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

उपकरण के इंडिकेटर को सीलबंद करने के लिए स्टाम्पिंग प्लेट के पास दो छेद किए जाएंगे जिन्हें सीसा और सीसा तार द्वारा सीलबंद किया जाएगा। सील को तोड़े बिना उपकरण को खोला नहीं जा सकेगा। मॉडल को सीलबंद करने का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (177)/2008]

आर. माधु.बूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th January, 2010

S.O. 366.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform Type) with digital indication of medium accuracy (Accuracy Class-III) of series "EPT" and with brand name "EXON" (hereinafter referred to as the said model), manufactured by M/s. Exon Electronic Weighing Scales, No. 20, W. Munuswamy Street, Stuarpet, Arakkonam-631001, T. N. and which is assigned the approval mark IND/09/08/494;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 1000 kg. and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.

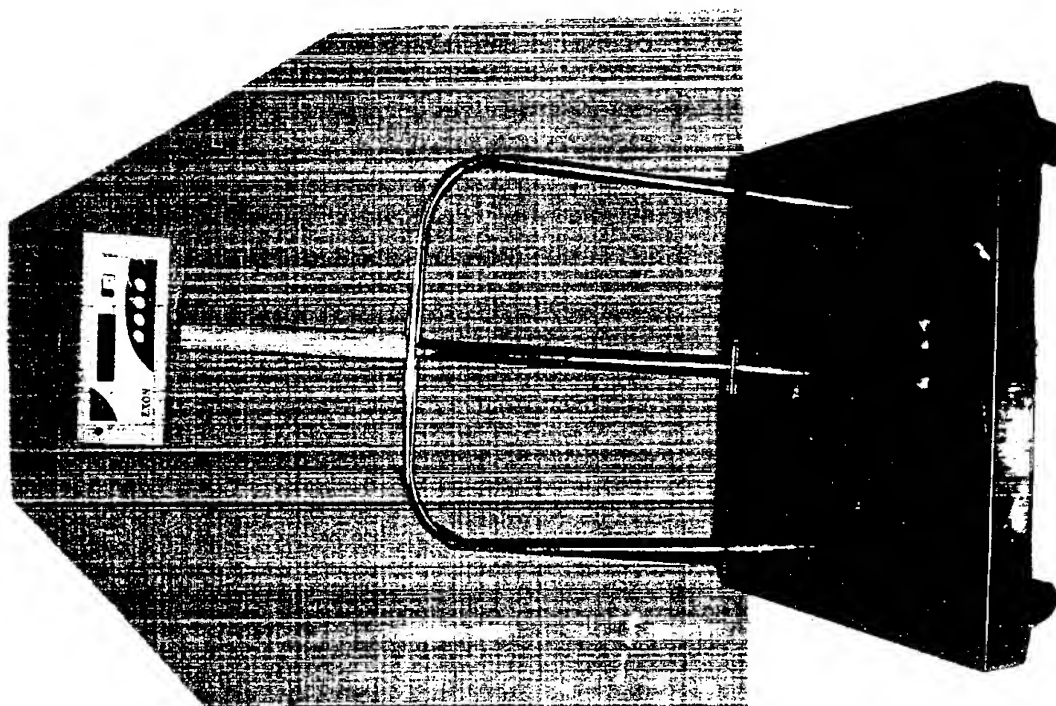


Figure-2—Sealing provision of the indicator of model

For sealing two holes are made near the stamping plate on the indicator of the instrument which are sealed by lead and seal wire. The instrument can not be opened without breaking the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and upto 500kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (177)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 जनवरी, 2010

का.आ. 367.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स स्किपटॉन इंजीनियर्स, नं. 42, नंजप्पा लेआउट, येलाछनहल्ली, कनकपुरा रोड, बंगलोर-560062 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एसआरटी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "रोला" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/529 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

भार तोलन स्केल के बाईं ओर से दो छेद ऊपरी भाग और तल प्लेट को काटते हुए इन दोनों छेदों में लीड और वायर से बाँध कर स्टाम्प और सील का सत्यापन किया जाता है। सील तोड़े बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} और 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (200)/2008]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th January, 2010

S.O. 367.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop Type) with digital indication of "SRT" series of medium accuracy (accuracy Class-III) and with brand name "ROLA" (hereinafter referred to as the said model), manufactured by M/s. Skipton Engineers, No. 42, Nanjappa Layout, Yelachanahalli, Kanakapura Road, Bangalore-560062 and which is assigned the approval mark IND/09/08/529;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop Type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light emitting diode (LED) display indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.

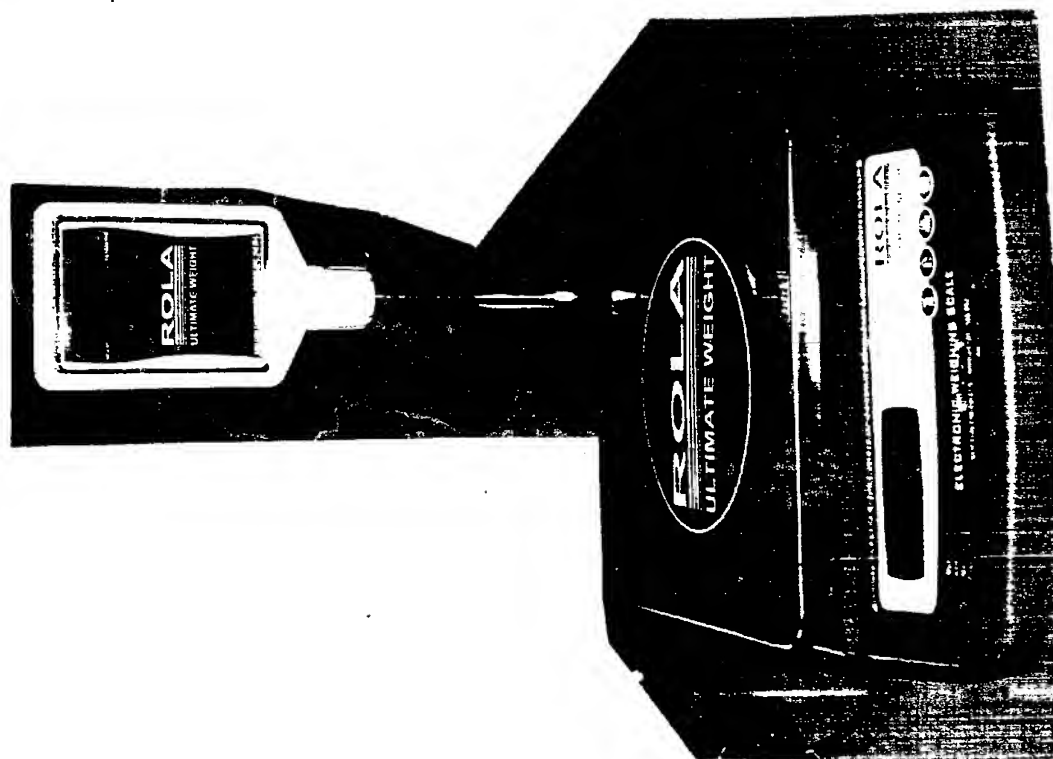


Figure-2—Sealing diagram of the model

From the left side of the weighing scale two holes are made by cutting the upper cover and bottom plate and fastened the lead and wire through these two holes for receiving the verification stamp and seal. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (200)/2008]

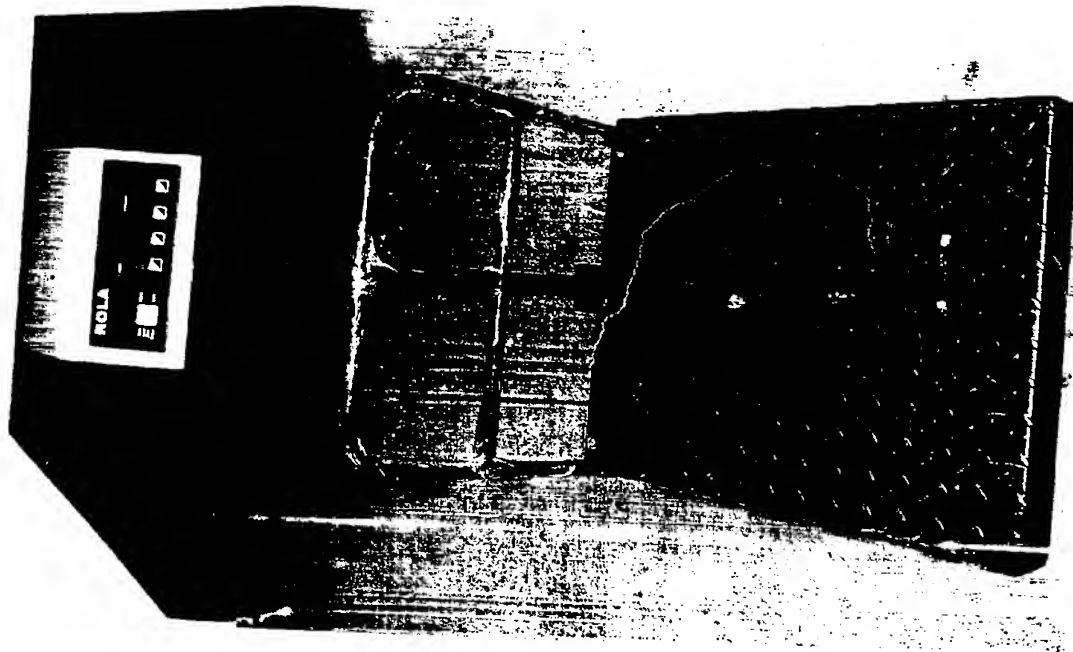
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 जनवरी, 2010

का.आ. 368.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स स्किपटॉन इंजीनियर्स, नं. 42, नंजप्पा लेआउट, येल्लाछनहल्ली, कनकपुरा रोड, बंगलोर-560062 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एसआरपी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "रोला" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/530 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

इंडीकेटर के बाईं ओर से दो छेद ऊपरी भाग और तल प्लेट को काटते हुए इन दोनों छेदों में लीड और वायर से बाँध कर स्ट्याम्प और सील का सत्यापन किया जाता है। सील तोड़े बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले और "ई" मान 1×10^3 , 2×10^3 और 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (200)/2008]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th January, 2010

S.O. 368.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform Type) with digital indication of medium accuracy (accuracy Class-III) of series “SRP” and with brand name “ROLA” (hereinafter referred to as the said model), manufactured by M/s. Skipton Engineers, No. 42, Nanjappa Layout, Yelachanahalli, Kanakapura Road, Bangalore-560062 and which is assigned the approval mark IND/09/08/530;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 1000kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.

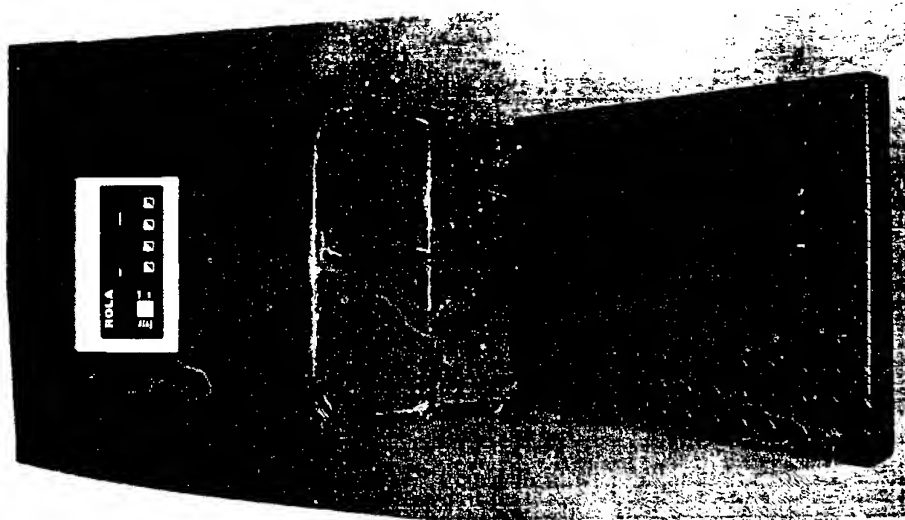


Figure-2—Sealing provision of the indicator of model

From the left side of the indicator two holes are made by cutting the upper cover and bottom plate and fastened the lead and wire through these two holes for receiving the verification stamp and seal. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and upto 5000 kg with verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g or more and with ‘e’ value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (200)/2008]

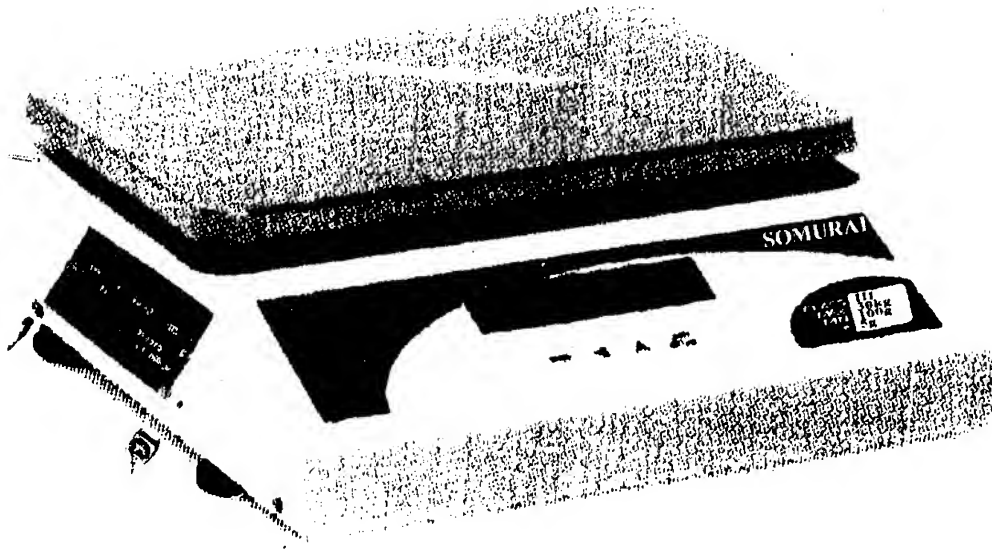
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 जनवरी, 2010

का.आ. 369.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स दिव्या मार्केटिंग कं. मजार के पीछे, रिंग रोड, गोंडिया, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एसटी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “सोमुरै” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/510 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



A4321

मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

उपकरण के तल प्लेट और शीर्ष कवर में छेद करते हुए सील बंद किया जा सकेगा बाद में इन छेदों में एक लीड वायर डाली जाएगी और एक लीड सील की जाएगी। सील तोड़े बिना उपकरण को खोला नहीं जा सकेगा। मॉडल को सीलबंद करने का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-3} , 2×10^{-3} और 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (184)/2008]

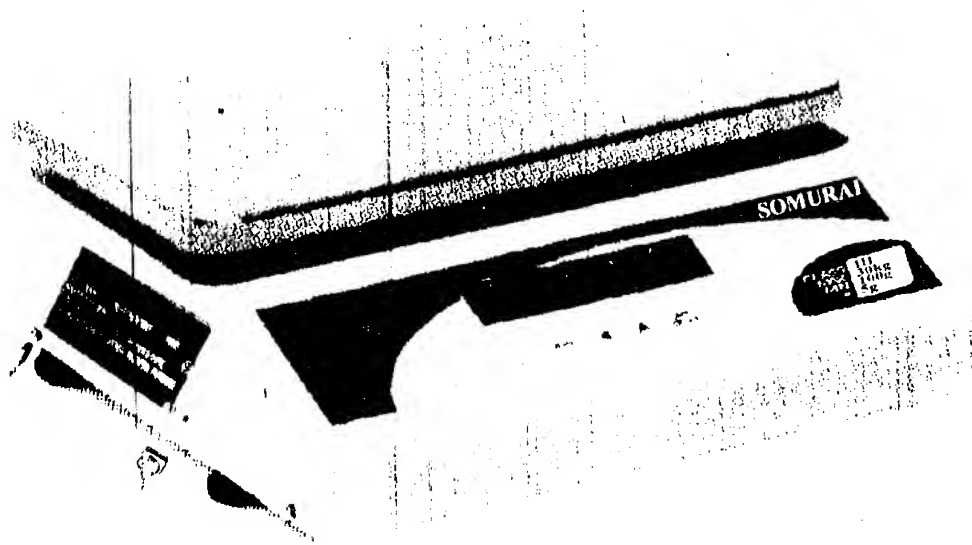
आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th January, 2010

S.O. 369.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop Type) with digital indication of "ST" series of medium accuracy (accuracy Class-III) and with brand name "SOMURAI" (hereinafter referred to as the said model), manufactured by M/s. Divya Marketing Co., Behind Mazar, Ring Road, Gondia, Maharashtra and which is assigned the approval mark IND/09/08/510;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop Type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.



A4321

Figure-2—Sealing diagram of the model

Sealing can be done by making holes in the bottom plate and top cover of the instrument, then a seal wire is passed through these holes and a lead seal is applied. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with same material with which, the said approved model has been manufactured.

[F.No. WM-21 (184)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 जनवरी, 2010

का.आ. 370.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स जे.बी.एस.इंस्ट्रुमेंट्स कं., 52, मंगल नगर एनेक्स, प्राइम सीटी, सुखला, इन्दौर, मध्य प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “जे.बी.एस.जेपी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “पावर टैक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/499 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 200 कि.ग्रा. है और न्यूनतम क्षमता 400 ग्रा. है। सत्यापन मापमान अंतराल (ई) 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 सीलिंग प्रावधान

इंडीकेटर के बायीं ओर दायीं तरफ के होल में से लीडिड वायर निकाल कर सीलिंग की जाती है और लीड सील लगायी जाती है। माटल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करता है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और रम्पे मामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-3} , 2×10^{-3} और 5×10^{-3} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (179)/2008]

आर. माधु.बूधन, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th January, 2010

S.O. 370.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of high accuracy (accuracy Class-III) of series "J.V.S.JP" and with brand name "POWER TECH" (hereinafter referred to as the said model), manufactured by M/s. J.V.S. Instrument Co., 52, Mangal Nagar Anex, Prime City, Sukhalla, Indore, Madhya Pradesh and which is assigned the approval mark IND/09/08/499;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with digital indication of maximum capacity of 200kg and minimum capacity of 400g. The verification scale interval (e) is 20g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 V, 50 Hertz alternate current power supply.

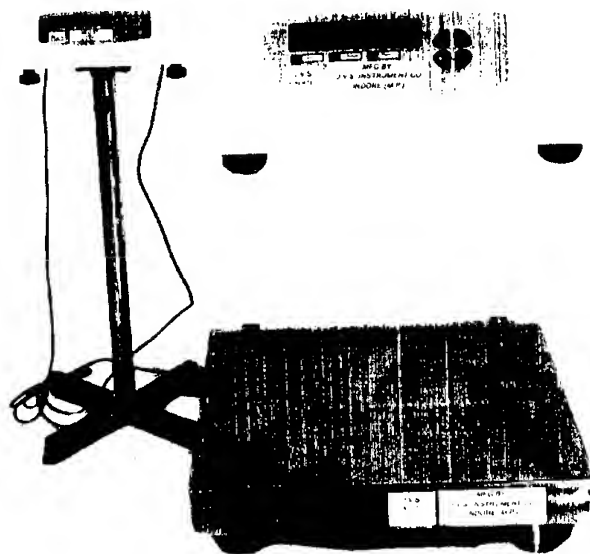


Figure-2 Sealing arrangement

The sealing is done by passing a leaded wire through the holes the left sides of indicator and lead seal is fixed. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity above 50kg and up to 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (179)/2008]

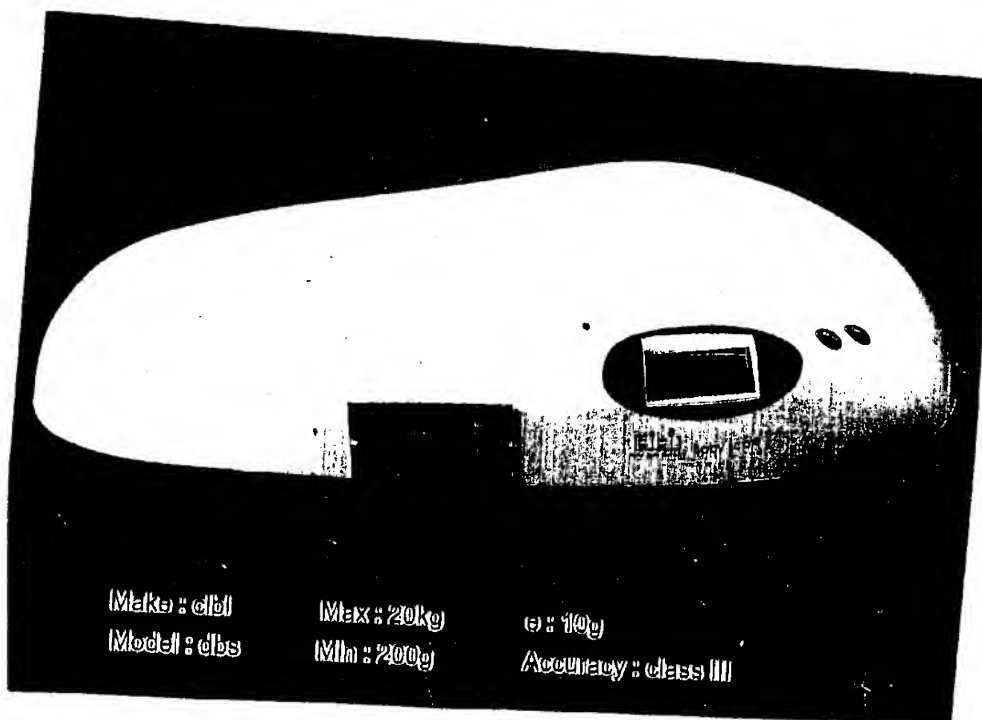
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 जनवरी, 2010

का.आ. 371.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स गिरीट्रोनिक्स, 31, को-आपरेटिव कोलोनी, अलवरपेट, चेन्नै-600018, तमिलनाडु द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "डीबीएस" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (बेबी तोलन मशीन) के मॉडल का, जिसके ब्रांड का नाम "सिवी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/459 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (बेबी तोलन मशीन) है। इसकी अधिकतम क्षमता 20 कि.ग्रा. है और न्यूनतम क्षमता 200 ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डायोड (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण बैटरी द्वारा प्रचालित किया जाता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

तोलन उपकरण को सीलबंद करने के लिए इसके बाहरी कवर और तल प्लेट को काटते हुए इसके तल में दो छेद किए जाएंगे तथा सत्यापन स्ट्याम्प और सील प्राप्त करने के लिए लीड वायर से बांधा जाएगा। सील को तोड़े बिना उपकरण को खोला नहीं जा सकेगा। मॉडल को सीलबंद करने के उपबंध को एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-3} , 2×10^{-3} और 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (28)/2008]

आर. माधुरवृधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th January, 2010

S.O. 371.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Baby Weighing Machine) with digital indication of medium accuracy (Accuracy class-III) of series "dbs" and with brand name "cibi" (hereinafter referred to as the said Model), manufactured by M/s. girtronics, 31, Co-Operative Colony, Alwarpet, Chennai-600018, Tamil Nadu and which is assigned the approval mark IND/09/08/459;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Baby Weighing Machine) with a maximum capacity of 20kg. and minimum capacity of 200g. The verification scale interval (e) is 10g. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing results. The instrument is operated by battery.

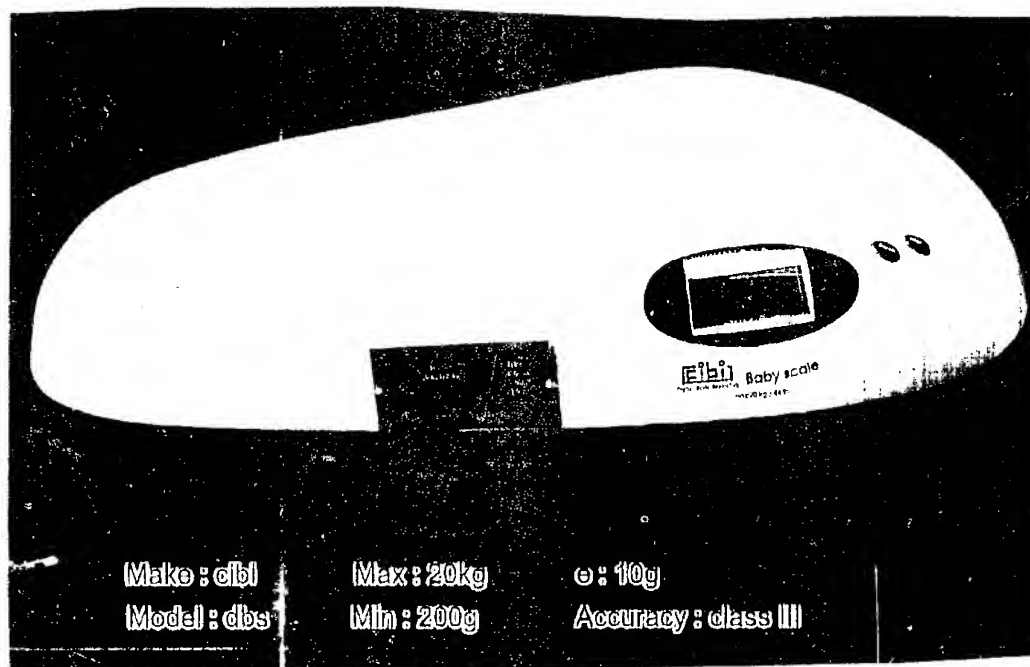


Figure-2 Sealing diagram of the sealing provision of the Model

For sealing two holes are made at the bottom by cutting the outer cover and bottom plate of the weighing instrument and fastened with a leaded wire for receiving the verification stamp and seal. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the Model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (e) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21 (28)/2008]

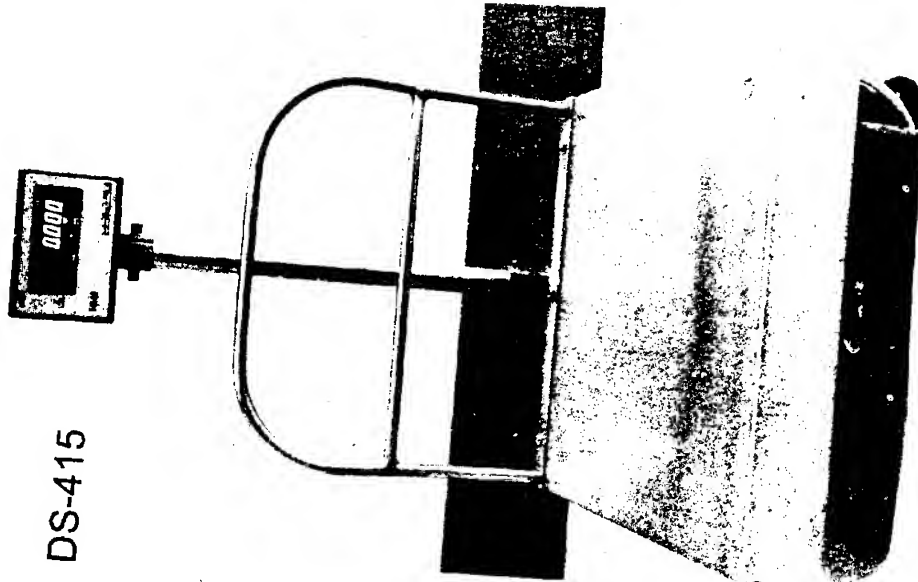
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 जनवरी, 2010

का.आ. 372.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) वाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा वाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एम्पे-टेराओका लि., नं. 377/22, छठा क्रॉस, विल्सन गार्डन, बेंगलूर-560 027 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "डी एस-415" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक टेबलटाप टाइप किलोग्राम को लीटर में बदलने की सुविधा सहित) के मॉडल का, जिसके ब्रांड का नाम "ESSAE" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/04 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक टेबलटाप टाइप किलोग्राम को लीटर में बदलने की सुविधा सहित) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। वैक्यूम फ्लोरसेंट डिस्प्ले (वी एफ डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। साधारण तोलन के अलावा वेइंग स्केल में किलोग्राम की वॉल्यू को लीटर में बदलने की सुविधा भी है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 उपकरण के मॉडल का सीलिंग प्रावधान

सीलिंग के लिए बाहरी कवर और निचली प्लेट को काटकर तराजू के दाहिनी और दो छेद किए जाते हैं तथा सत्यापन स्टैम्प और सील को प्राप्त करने के लिए एक लीड तार से बांधे जाते हैं। सील को तोड़े बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक की "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-3} , 2×10^{-3} और 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (97)/2008]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th January, 2010

S.O. 372.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (electronic tabletop type with kilogram to litre conversion facility) with digital indication of "DS-415" series of medium accuracy (accuracy class-III) and with brand name "ESSAE" (hereinafter referred to as the said model), manufactured by M/s. Essae-Teraoka Limited, No. 377/22, 6th Cross, Wilson Garden, Bangalore-560 027 and which is assigned the approval mark IND/09/08/04:

The said model is a strain gauge type load cell based non-automatic weighing instrument (electronic tabletop type with kilogram to litre conversion facility) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The Vacuum Fluorescent Display (VFD) indicates the weighing result. Apart from normal weighing, the weighing scale has the facility of conversion of values obtained from kilogram into litre. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

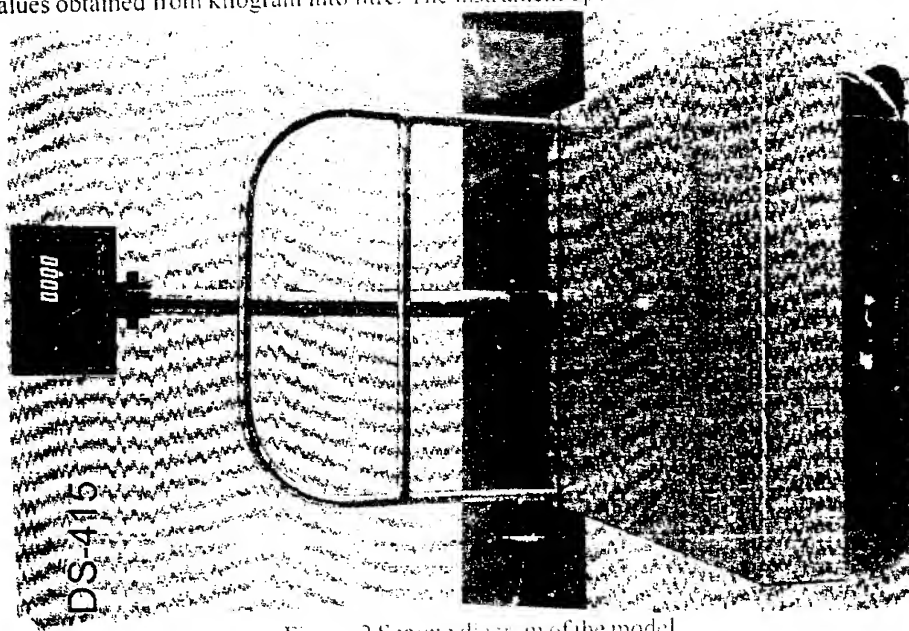


Figure-2 Sealing diagram of the model

For sealing two holes are made on the right side of the balance by cutting the outer cover and bottom plate and fastened by a leaded wire for receiving the verification stamp and seal. The instrument can not be opened without breaking the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external access to calibration. A dip switch has also been provided in A/D card mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where 'k' is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21 (97) 2008]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 जनवरी, 2010

का.आ. 373.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (3) और उप-धारा (7) और उपधारा (8) के तीसरे परन्तुक द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स रहेओनिक मैसग्रेट, गम्भ, रूडोल्फ-डीजल-स्ट्रबे 5, 85235, ओडेलज़ाउसन, जर्मनी द्वारा विनिर्मित "आरएचएम" शृंखला के मास मीटर (जल तथा कम्प्रेस्ड प्राकृतिक गैस से इतर अन्य द्रवों के लिए मीटर) के मॉडल का, जिसके ब्रांड का नाम "जोई सेनसिंग" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स जी ई इंडिया इंडस्ट्रियल प्रा. लि. डिविजन जोई सेनसिंग, II 63, तीसरा तल, आर एम जेड गेटवे, मेहिन्द्रा शो रूम के उपर, ऑफ 100 फीट रिंग रोड, चौथा ब्लॉक, कोरमंगला बेंगलोर-560034 द्वारा भारत में बिक्री से पूर्व अथवा बाद में बिना किसी परिवर्तन के विपणीत किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/09/99 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक मास मीटर (जल तथा कम्प्रेस्ड प्राकृतिक गैस से इतर अन्य द्रवों के लिए मीटर) है। 500 किग्रो/एम³ से 1000 किग्रो/एम³ के घनत्व वाला तथा -20°C से +120°C के मध्य के टी ताप वाला कोई द्रव तथा 100 बार से 300 बार तक के प्रेसर रेंज में किसी गैस को मास मीटर से मापा जा सकता है।



आकृति-2 रा.ग. प्रावधान

कष्टपूर्ण व्यवहार को रोकने के लिए चाबी से फिजीकल लॉकिंग की व्यवस्था करके इसमें सॉफ्टवेयर प्रोग्रामिंग लॉक भी है। मॉडल का एक विशिष्ट स्कीम आधारित प्रावधान ऊपर दिया गया है।

[फा. सं. डब्ल्यू.एम-21 (190)/2008]

आर. माथुरवृथम, स. विधिक माप विज्ञान

New Delhi, the 14th January, 2010

S.O. 373.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Mass Meter (meter for liquids other than water and compressed natural gas) with brand name 'GE Sensing' and of series "RHM" series (hereinafter referred to as the model), manufactured by M/s. Rehonik Messagerate GmbH, Rudolf-Diesel-Strabe 5, 85235, Odelzhausen, Germany and marketed in India without any alteration before or after sale by M/s. GE India Industrial Pvt. Ltd., Division GE Sensing, # 63, 3rd Floor, RMZ Gateway, above Mahindra Show room, Off. 100 Feet Inner Ring Road, 4th Block, Koramangala, Bangalore-560034 and which is assigned the approved mark IND/09/09/99;

The said model is a Mass Meter (Meter for liquids other than water and compressed natural gas.). Any liquid with a density of 500 kg/m³ to 1000 kg/m³ and aT temperature between -20°C and + 120°C and gases in a pressure range from 100bar to 300bar may be measured with mass meter.

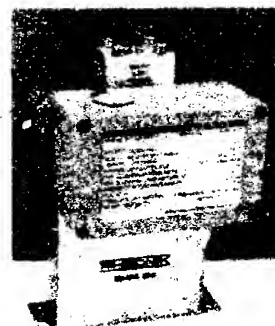
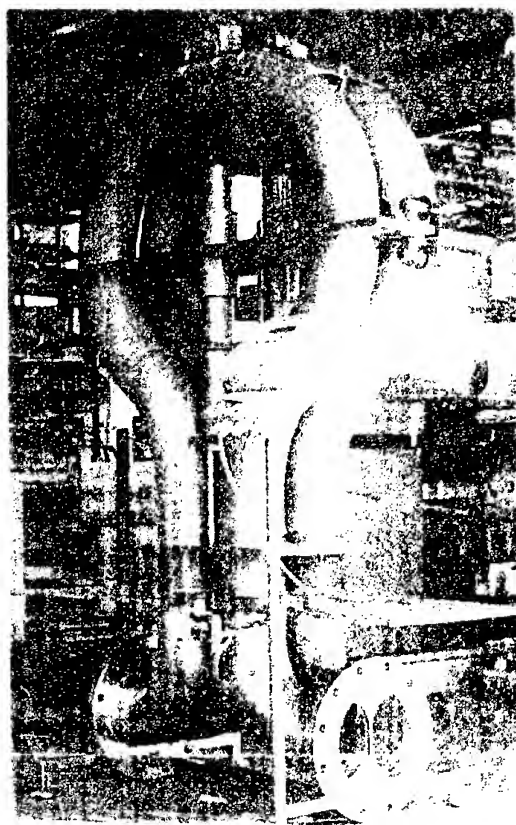


Figure-2 Sealing Provision

The sealing and stamping is done to stop the fraudulent practices by physical locking arrangement with a key as well there is software programmable lock. A typical schematic diagram of sealing provision of the model is given above.

[F. No. WM-21 (190)/2008]

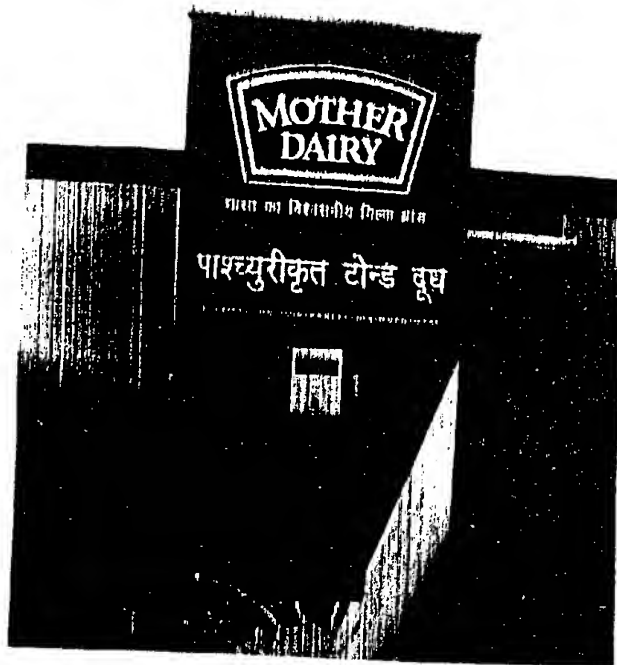
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 जनवरी, 2010

का.आ. 374.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स मदर डेरी फूड एंड वेजिटेबल प्राइवेट लिमिटेड, पड़पड़गंज, दिल्ली-110092 द्वारा विनिर्मित वॉल्यूमेट्रिक कंटेनर फिलिंग मशीन (मिल्क वेंडिंग मशीन) यथार्थता वर्ग-0 5 वाली "MDRS-8952" शृंखला के अंकक सूचन सहित के मॉडल की, जिसके ब्रांड का नाम "MOTHER DAIRY" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/44 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल वॉल्यूमेट्रिक कंटेनर फिलिंग मशीन (मिल्क वेंडिंग मशीन) है जिसकी अधिकतम वेंडिंग वॉल्यूम 99.999 लिटर और न्यूनतम वेंडिंग वॉल्यूम 0.1 लिटर और न्यूनतम प्रभाग 1 मि. लिटर है। अधिकतम रेट का प्रदर्श 99.99 रुपए और अधिकतम राशि 999.99 रुपए प्रदर्शित करती है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 सीलिंग प्रावधान

ग्रक (पंच) द्वारा कपटपूर्ण व्यवहारों को रोकने के लिए मशीन पैनल पउ सीलिंग और स्टाम्पिंग की जाती है और छेदों के जरिए सीलिंग तार निकाली जाती है। सील से छेड़छाड़ के बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनायद् डायग्राम ऊपर दिया गया है।

स्वचालित मिल्क वेंडिंग मशीन एक मापक उपकरण है जिसका उपयोग विशिष्ट वॉल्यूम द्वारा मिल्क की डिलीवरी को प्रभावित करने के लिए स्टोरेज टैंक के साथ किया जाता है। इसमें बकर वैसल, इनफ्लो और आऊटफ्लो को नियंत्रित करने के लिए इलेक्ट्रोमैग्नेटिक सोलैनाइड, मगनेटिक लिबर सेंसर और पल्स जेनरेटर है। माप प्रणाली प्रीसेट वॉल्यूम या एमाउंट और मात्रा गणन के लिए कंट्रोल आधारित माइक्रोसॉफ्ट प्रोग्रामर है और इन्हें डिजिटल प्रदर्श पर प्रदर्शित करता है। प्रीसेट वॉल्यूम या मात्रा डिलीवर हो जाने पर यह स्वतः ही डिस्पेंसिंग बंद कर देता है। दूध की डिस्पेंस की जाने वाली भंडारण क्षमता 10 लिटर से 1500 लिटर तक हो सकती है।

[फा. सं. डब्ल्यू एम-21 (183)/2008]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th January, 2010

S.O. 374.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Volumetric Container Filling Machine (milk vending machine) with digital indication of "MDRS-8952" series of accuracy class 0.5 and with brand name "MOTHER DAIRY" (hereinafter referred to as the said model), manufactured by M/s. Mother Dairy Fruit & Vegetable Private Limited, Patparganj, Delhi-110092 and which is assigned the approval mark IND 09/09/44;

The said model is Volumetric Container Filling Machine (milk vending machine) with a maximum vending volume 99.999 litre and minimum vending volume 0.1 litre and smallest division 1 ml. The maximum display of rate is Rs. 99.99 and maximum display of total amount is Rs. 999.99. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

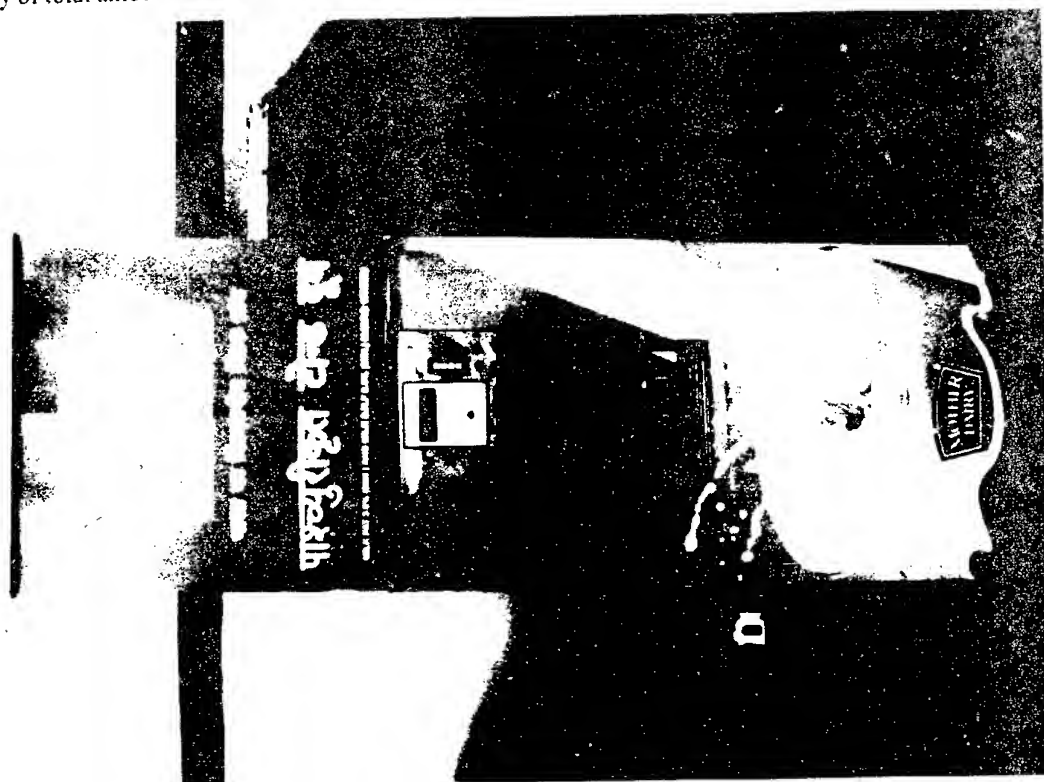


Figure-2 Sealing Provision

The sealing and stamping is done on the machine panel to stop the fraudulent practices by screw and sealing wire passed through the holes. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

The automatic milk vending machine is a measuring instrument used in conjunction with a storage tank for effecting deliveries of milk by specified volume. It consists of a buffer vessel, electromagnetic solenoids to control inflow and outflow, magnetic level sensors and a pulse generator. The measuring system is micro processor based controller to calculate the quantity on pre-set volume or amount and indicate them on the digital display. It automatically terminates the dispensing when the preset volume or amount is delivered. The storage capacity of milk to be dispensed can be from 10 litre to 1500 litre

[F. No. WM-21 (183)/2008]

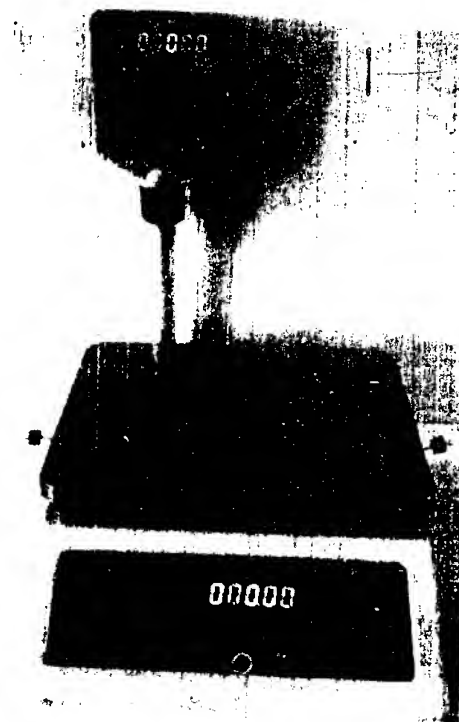
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 जनवरी, 2010

का.आ. 375.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स इलैक्ट्रो इंडिया 211, राजलक्ष्मी काम्पलैक्स, 16 विजय प्लाट, गोंदल रोड, राजकोट-360 002, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एटीएलएबी 20/50” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप टाइप-दोहरी रेंज) के मॉडल का, जिसके ब्रांड का नाम “एकोर्ड” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/506 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप-दोहरी रेंज) है। इसकी अधिकतम क्षमता 50 कि.ग्रा. है और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अंतराल (ई) 20 कि.ग्रा. तक 2 ग्रा. और 20 कि. ग्रा. से लेकर 50 कि. ग्रा. तक 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

स्केल के शीर्ष कवर में और तल प्लेट में छेद करके उनमें से वायर निकालते हुए दोनों तरफ सील की जाएगी। स्केल को सील तोड़ें बिना खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} और 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (124)/2008]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th January, 2010

S.O. 375.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Tabletop type-dual range) with digital indication of "ATLAB20/50" series of medium accuracy (accuracy class-III) with brand name "ACCORD" (hereinafter referred to as the said model), manufactured by M/s. Electro India, 211, Rajlaxmi Complex, 16 Vijay Plot, Gondal Road, Rajkot-360 002, Gujarat and which is assigned the approval mark IND/09/08/506;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type-dual range) with a maximum capacity of 50kg. and minimum capacity of 40g. The verification scale interval (e) is 2g. upto 20 kg. and 5g. above 20kg. and upto 50 kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



Figure-2 Sealing diagram of the model

Sealing is done at both sides by making holes and by passing wire in between base plate and top cover of the scale. The scale can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2 g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (124)/2008]

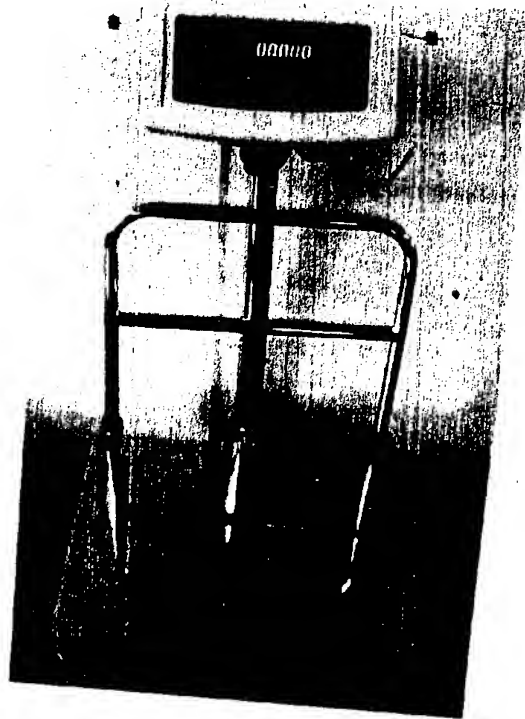
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 जनवरी, 2010

का.आ. 376.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स इलेक्ट्रो इंडिया, 211, राजलक्ष्मी काम्पलैक्स, 16 विजय प्लाट, गौंदल रोड, राजकोट-360 002, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एबीएल 50” शृंखला के अंक सूचन सहित, अस्वचालित तोलन उपकरण (बैंच स्केल) के मॉडल का, जिसके ब्रांड का नाम “एकॉर्ड” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/507 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (बैंच स्केल) है। इसकी अधिकतम क्षमता 50 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

स्केल के शीर्ष कवर में और तल प्लेट में छेद करके उनमें से वायर निकालते हुए दोनों तरफ सील की जाएगी। स्केल को सील तोड़े बिना खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} और 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (124)/2008]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th January, 2010

S.O. 376.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Bench Scale) with digital indication of "ABL 50" series of medium accuracy (Accuracy class-III) and with brand name "ACCORD" (hereinafter referred to as the said model), manufactured by M/s. Electro India, 211, Rajlaxmi Complex, 16 Vijay Plot, Gondal Road, Rajkot-360 002, Gujarat and which is assigned the approval mark IND/09/08/507;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Bench Scale) with a maximum capacity of 50kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 V, 50 Hz. alternative current power supply.

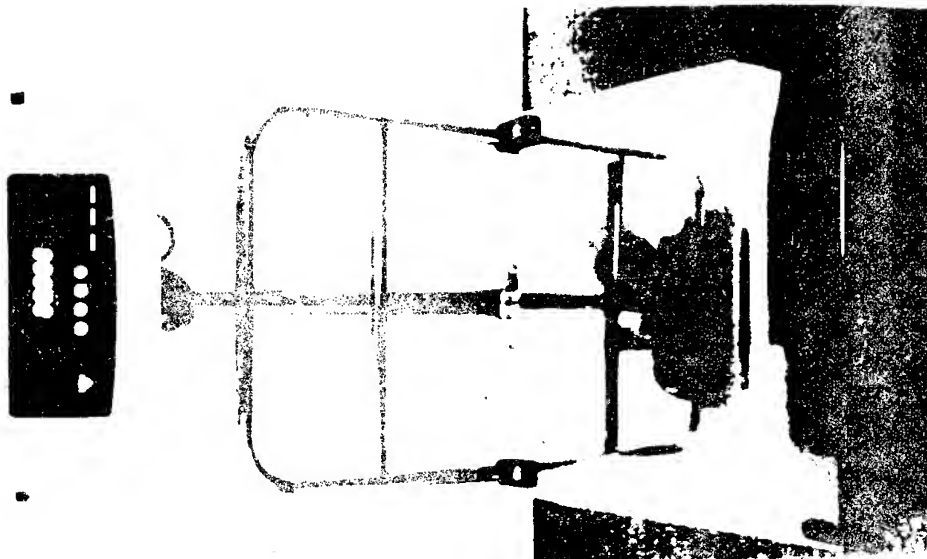


Figure 2 Sealing diagram of the model

Sealing is done at both sides by making holes and by passing wire in between base plate and top cover of the scale. The scale can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that the certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same type with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 50mg. to 2 g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (124)/2008]

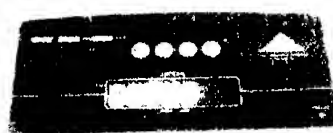
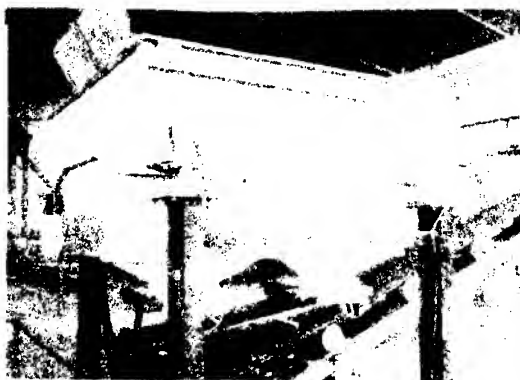
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 जनवरी, 2010

का.आ. 377.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स इलैक्ट्रो इंडिया 211, राजलक्ष्मी काम्प्लैक्स, 16 विजय प्लाट, गोंदल रोड, राजकोट-360 002, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एचसीसीएचडब्ल्यू-1 टी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म हूपर प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एकोर्ड” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/508 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म हूपर प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

स्केल के शीर्ष कवर में और तल प्लेट में छेद करके उनमें से वायर निकालते हुए दोनों तरफ सील की जाएगी। स्केल को सील तोड़े बिना खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (124)/2008]

आर. माधुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th January, 2010

S.O. 377.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform Hopper Type) with digital indication of medium accuracy (Accuracy class-III) of series ACCHW-IT and with brand name "ACCORD" (hereinafter referred to as the said model), manufactured by M/s. Electro India, 211, Rajlaxmi Complex, 16 Vijay Plot, Gondal Road, Rajkot-360 002, Gujarat and which is assigned the approval mark IND/09/08/508;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform Hopper Type) with a maximum capacity of 1000kg and minimum capacity of 2 kg. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 V, 50 Hz alternative current power supply.

Figure-1 Model

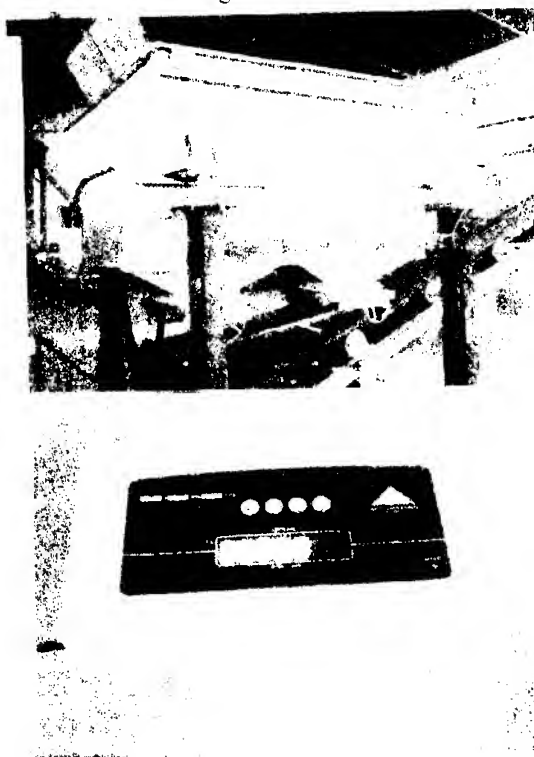


Figure-2 Sealing Provision of the Indicator of Model

Sealing is done at both sides by making holes and by passing wire in between base plate and top cover in the indicator of the scale. The scale can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 5000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (124)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 12 जनवरी, 2010

का.आ. 378.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक (कों) में संशोधन किया गया/किये गये हैं :-

अनुसूची

क्रम सं.	संशोधित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 1258 : 2005 बेयोनेट लैम्पहोल्डर । चौथा पुनरीक्षण ।	2 दिसम्बर, 2009	01 जनवरी, 2010
2.	आई एस 1293 : 2005 250 वोल्ट तक की रेटित वोल्टता वाले और 16 एम्पीयर तक की रेटित करंट वाले प्लग और सॉकेट निकास की विशिष्टि (तीसरा पुनरीक्षण)	4 नवम्बर, 2009	01 जनवरी, 2010

इन भारतीय संशोधन की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ : ईटी 14 / टी-5 व टी-84]

आर. के. त्रेहन, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत-तकनीकी)

BUREAU OF INDIAN STANDARDS

New Delhi, the 12th January, 2010

S.O. 378.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :—

SCHEDULE

Sl.No.	No. and Year of the Indian Standards	No. & Year of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 1258 : 2005 Bayonet Lampholders (Fourth Revision)	2 December, 2009	1 January, 2010
2.	IS 1293 : 2005 Plugs and Socket-Outlets of Rated Voltage Up to and Including 250 Volts and Rated Current Up to 16 Amperes (Third Revision)	4 November, 2009	1 January, 2010

Copies of these Amendments are available with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad,

Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: ET 14/T-5 & T-84]

R. K. TREHAN, Scientist 'E' & Head (Electrotechnical)

नई दिल्ली, 19 जनवरी, 2010

का.आ. 379.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि अनुसूची में दिए गए मानक (कों) में संशोधन किया गया/किये गये हैं :-

अनुसूची

क्रम सं.	संशोधित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 8367: 1993 टिन पाउडर -विशिष्ट (पहला पुनरीक्षण)	संशोधन संख्या 1 मई, 2009	31-05-2009

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली- 110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 25/ टी-77]

पी. घोष, वैज्ञानिक 'ई' एवं प्रमुख (एमटीडी)

New Delhi, the 19th January, 2010

S.O. 379.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl.No.	No. and Year of the amendment (s)	No. & Year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 8367 : 1993 Tin powder-Specification (First revision)	Amendment No. 1 May, 2009	31 May, 2009

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi- 110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: MTD 25/T-77]

P. GHOSH, Scientist 'E' & Head (Met Engg.)

नई दिल्ली, 19 जनवरी, 2010

का.आ. 380.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि अनुसूची में दिए गए मानक (कों) में संशोधन किया गया/ किये गये हैं :—

अनुसूची

क्रम सं.	संशोधित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 8392: 1985 कठोर धातुओं के लिए टंगस्टन पाउडर की विशिष्टि (पहला पुनरीक्षण)	संशोधन संख्या 1, मई, 2009	31 -05- 2009

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली- 110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 25/ टी-29]

पी. घोष, वैज्ञानिक 'ई' एवं प्रमुख (एमटीडी)

New Delhi, the 19th January, 2010

S.O. 380.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and Year of the amendment (s)	No. & Year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 8392 : 1985 Specification for tungsten powder for hardmetals (First Revision)	Amendment No. 1, May, 2009	31 May, 2009

Copy of these Standards is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi- 110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 25/T-29]

P. GHOSH, Scientist 'E' & Head (Met. Engg.)

नई दिल्ली, 27 जनवरी, 2010

का.आ. 381.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उप विनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :-(माह 1 जुलाई, 2009 से 31 अक्टूबर, 2009 तक)

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि	पार्टी का नाम व पता	भारतीय मानक का शीर्षक भा मा भाग अनु वर्ष सं.
1	2	3	4	5
1.	9735904	01-07-2009	मै. एम जे प्रोडक्ट्स बसीरगंज, उर्दू, सूधाती बाजार, जिला जौनपुर, उत्तर प्रदेश 222001	पैकेज्ड ड्रिंकिंग वाटर (अदर देन पैकेज्ड नेचुरल मिनरल वाटर) IS 14543: 2004
2.	9736094	01-07-2009	मै. स्वरूप केमिकल प्रा. लि. विलेज उत्तरधौना, तिवारीगंज, चिनहट, जिला - लखनऊ उत्तर प्रदेश - 227105	लिन्डेन गेन्यूल्स IS 9370:1980
3.	9736195	01-07-2009	मै. स्वरूप केमिकल प्रा. लि. विलेज उत्तरधौना, तिवारीगंज, चिनहट, जिला - लखनऊ उत्तर प्रदेश - 227105	कार्बोरिल लिन्डेन गेन्यूल्स IS 11784:1986
4.	9736805	07-07-2009	मै. कन्हैया वुड प्रोडक्ट पनियरिया, भमरूआ रोड, बरपुरा सारकी, जिला - रामपुर, उत्तर प्रदेश - 244901	बुडेन फलस डोर शटर्स (सालिड कोर टाइप) भाग-1 प्लाइवुड फेस पैनैल्स IS 2202:भाग 1:1999
5.	9736906	07-07-2009	मै. कन्हैया वुड प्रोडक्ट पनियरिया, भमरूआ रोड, बरपुरा सारकी, जिला - रामपुर, उत्तर प्रदेश - 244901	ब्लाक बोर्ड्स IS 1659:2004
6.	9737096	07-07-2009	मै. कन्हैया वुड प्रोडक्ट पनियरिया, भमरूआ रोड, बरपुरा सारकी, जिला - रामपुर, उत्तर प्रदेश - 244901	प्लाइवुड फार जनरल पर्पजेज आई एस 303:1989
7.	9737197	08-07-2009	मै. बजाज इको-टेक प्रोडक्ट लि. विलेज-पलियाकला पीओ पलिया कला, जिला - खीरी, उ. प्र.	मीडियम डेन्सिटी फाइबर बोर्ड फार जनरल पर्पजेज IS 12406: 2003
8.	9737201	08-07-2009	मै. बजाज इको-टेक प्रोडक्ट लि. ग्राम-कुन्दरखी कस्तुर, पीओ-गोबिन्दपुरा, जिला-गोण्डा, उत्तर प्रदेश-271301	मीडियम डेन्सिटी फाइबर बोर्ड फार जनरल पर्पजेज IS 12406: 2003

(1)	(2)	(3)	(4)	(5)
9.	9737403	08-07-2009	मै. यू ए एल उत्तर प्रदेश ग्राम-बारामनपुर, पीओ-पैसा, तहसील- केराकट, जिला - जौनपुर, उत्तर प्रदेश	एजबेस्टास सीमेन्ट बिल्डिंग पाइप्स, पाइप फिटिंग्स, गटर्स एवं गटर फिटिंग्स एवं रूफिंग फिटिंग्स-भाग 3: रूफिंग फिटिंग्स, IS 1626: भाग 3: 1994
10.	9737504	09-07-2009	मै. गणेश प्लाईवुड प्रोडक्ट्स प्रा.लि., इण्डस्ट्रियल एरिया, सराय मालुही जिला-सीतापुर, उत्तर प्रदेश	प्लाईवुड फार जनरल पर्पोजेज आई एस 303:1989
11.	9737605	09-07-2009	मै. गणेश प्लाईवुड प्रोडक्ट्स प्रा.लि., इण्डस्ट्रियल एरिया, सराय मालुही जिला-सीतापुर, उत्तर प्रदेश	बुडेन फ्लश डोर शटर्स (सालिड कोर टाइप) भाग-1: प्लाईवुड फेस पैनल्स IS 2202: भाग 1:1999
12.	9737706	09-07-2009	मै. गणेश प्लाईवुड प्रोडक्ट्स प्रा.लि., इण्डस्ट्रियल एरिया, सराय मालुही जिला-सीतापुर, उत्तर प्रदेश	ब्लाक बोर्ड्स IS 1659 : 2004
13.	9737908	09-07-2009	मै. भारत आर्गेनिक्स, ए 2/3, यूपीएसआईडीसी इण्ड एरिया, सण्डीला, जिला-हरदोई, उत्तर प्रदेश	पेस्टीसाइड्स- कार्बेन्डाजिम(एमबीसी) डब्ल्यू पी IS 8446 : 1991
14.	9738203	10-07-2009	मै. साई टाइल्स, ग्राम-सेमरा, लक्ष्मी डोर्स के पीछे, फैजाबाद रोड, चिनहट, जिला-लखनऊ, उत्तर प्रदेश	ग्रीकास्ट कंक्रीट पाइप्स IS 15658 : 2006
15.	9738304	10-07-2009	मै. सरस्वती स्टील, डी-4, इण्ड. एरिया-II, अमावां रोड, जिला-रायबरेली, उत्तर प्रदेश	डोमेस्टिक प्रेशर कुर्कर्स, IS 2347 : 2006
16.	9739003	13-07-2009	मै. ओरियन्टल पेस्टीसाइड्स, सी-18, 20 एवं 22, गवर्नमेन्ट इण्ड. इस्टेट, जिला-गोरखपुर, उत्तर प्रदेश	बूटाक्लोर इमल्सिफिएबल कंसेन्ट्रेट्स, IS 9356 : 1980
17.	9739306	14-07-2009	मै. पशुपति एवरेस्ट प्लाईवुड, के-2, के-3, इण्ड. एरिया, परसाखेडा, जिला-बरेली, उत्तर प्रदेश	मेरिन प्लाईवुड, IS 710 : 1976
18.	9739609	14-07-2009	मै. शशि केबल्स लि., ए-3, अमौसी इण्डस्ट्रियल एरिया, कानपुर रोड, जिला-लखनऊ, उत्तर प्रदेश	कास लिक्ड पालिथिलिन इन्सुलेटेड पीवीसी सीथेड केबल्स, भाग-1 फार वर्किंग वोल्टेज अपटु एण्ड इन्क्लू- डिंग 1100 वोल्ट IS 7098: भाग 1: 1988
19.	9739508	15-07-2009	मै. इण्डिया पेस्टीसाइड्स लि. प्लॉट नं. ई-18 से 23, यूपीएसआईडीसी इण्ड. एरिया, चिनहट, दवा रोड, जिला-लखनऊ, उ. प्र.	जिरम कोलाएडल ससपेन्सन IS 11010 : 1984
20.	9740186	17-07-2009	मै. ताज मिल्क फूड प्रा. लि., 1.5 किमी स्टोन, मुरादाबाद रोड, सम्भल, जिला-मुरादाबाद, उ. प्र.	मिल्क पावडर IS 1165 : 2002

(1)	(2)	(3)	(4)	(5)
21.	9740287	17-07-2009	मै.यूनिवर्सल यार्न एण्ड टेक्स प्रा. लि., 26/50, बिरहाना रोड, जिला-कानपुर नगर, उत्तर प्रदेश	टेक्सटाइल पालिएस्टर ब्लेन्ड सूटिंग्स फार यूनिफार्म IS 11248 : 1995
22.	9740590	21-07-2009	मै. गौरव ज्वैलर्स, मेन रोड गोला बाजार, खलीलाबाद, जिला-सन्त कबीर नगर, उत्तर प्रदेश	गोल्ड एण्ड गोल्ड एलाएज, ज्वैलरी एलाएज/आर्टिफैक्ट्स -फाइनैस एण्ड मार्किंग IS 1417 : 1999
23.	9741693	29-07-2009	मै. यूनाइटेड स्टील इण्डस्ट्रीज, बी-13/1, इण्ड. एरिया नादरगंज, अमौली, जिला -लखनऊ	स्टील फार जनरल स्ट्रक्चरल पर्पोजेज IS 2062 : 2006
24.	9742897	06-08-2009	मै. भारत आर्गेनिक्स, ए 2/3, यूपीएसआईडीसी इण्ड एरिया, सण्डीला जिला-हरदोई, उत्तर प्रदेश	डिक्लोरवास इमल्सिफिएबल कन्सेन्ट्रेट्स IS 5277 : 1978
25.	9743293	07-08-2009	मै. अदिति इण्टरप्र्राइजेज, 128, चन्द्रलोक कालोनी, अलीगंज, जिला -लखनऊ, उ. प्र.	पैकेज्ड ड्रिंकिंग वाटर (अदर देन पैकेज्ड नेचुरल मिनरल वाटर) IS 14543:2004
26.	9743903	11-08-2009	मै. ओरियन्टल पेस्टीसाइड्स, सी-18, 20 एवं 22,गवर्नमेन्ट इण्ड. इस्टेट जिला-गोरखपुर, उत्तर प्रदेश	क्लोरोफाइरिफास इमल्सिफिएबल कन्सेन्ट्रेट्स IS 8944 : 1978
27.	9744501	12-08-2009	मै. चैम्पियन इलेक्ट्रिकल्स इण्ड. कं., 349/116ए, सप्पा रउस, तिलक राय तालाव कालोनी, जिला -लखनऊ, उ.प्र.	प्रापेलर टाइप एसी वेन्टीलेटिंग फैन्स आई एस 2312 : 1967
28.	9744804	17-08-2009	मै. प्रताप प्रकाश एण्ड कं., विलेज-गौरा, मोहनलालगंज, जिला-लखनऊ, उ. प्र.	प्लाईवुड फार जनरल पर्पोजेज आई एस 303:1989
29.	9744905	18-08-2009	मै. प्रताप प्रकाश एण्ड कं., विलेज-गौरा, मोहनलालगंज, जिला-लखनऊ, उ. प्र.	ब्लॉक बोर्ड्स IS 1659:2004
30.	9745005	18-08-2009	मै. प्रताप प्रकाश एण्ड कं., विलेज-गौरा, मोहनलालगंज, जिला-लखनऊ, उ. प्र.	बुडेन फ्लश डोर शटर्स (सालिड कोर टाइप) भाग-1: प्लाईवुड फंस पैनेल्स IS 2202: भाग 1:1999
31.	9748105	31-08-2009	मै. आर के इण्ड., विलेज-उत्तरधौना, तारा का पुरवा तिवारीगंज, फैजाबाद रोड जिला-लखनऊ, उ. प्र.	बुडेन फ्लश डोर शटर्स (सालिड कोर टाइप) भाग-1: प्लाईवुड फंस पैनेल्स IS 2202: भाग 1:1999
32.	9748206	31-08-2009	मै. आर के इण्ड., विलेज-उत्तरधौना, तारा का पुरवा तिवारीगंज, फैजाबाद रोड जिला-लखनऊ, उ. प्र.	ब्लॉक बोर्ड्स IS 1659: 2004

(1)	(2)	(3)	(4)	(5)
33.	9748307	31-08-2009	मै. आर के इण्ड. विलेज-उत्तरधौना, तारा का पुरवा तिवारीगंज, फैजाबाद रोड, जिला-लखनऊ, उ. प्र.	प्लाईवुड फार जनरल पर्पजेज आई एस 303:1989
34.	9748812	1-09-2009	मै. हरि प्रसाद गोपी कृष्ण सराफ प्रा.लि. हिन्दी बाजार गोपी गली, जिला-गोरखपुर, उ.प्र.-273005	गोल्ड एण्ड गोल्ड एलाएज, ज्वैलरी एलाएज/आर्टिफैक्ट्स -फाइननेस एण्ड मार्किंग IS 1417 : 1999
35.	9749814	09-09-2009	मै. गोयल केमिकल्स 188 नगरौर गौण्डा रोड, जिला- बहराइच, उ.प्र.-271801	एनिलोफास इसी IS 13403:1992
36.	9752803	25-09-2009	मै. सिद्धार्थ ज्वैलर्स सदर बाजार, जिला-बिजनौर, उ. प्र. -246701	गोल्ड एण्ड गोल्ड एलाएज, ज्वैलरी एलाएज/आर्टिफैक्ट्स -फाइननेस एण्ड मार्किंग IS 1417 : 1999
37.	9754201	06-10-2009	मै. एन जी प्लाईवुड एण्ड वीनियर इण्डस्ट्रीज, जजेज रोड, पनवरिया, जिला - रामपुर, उ. प्र.	प्लाईवुड फार जनरल पर्पजेज आई एस 303:1989
38.	9754302	06-10-2009	मै. एन जी प्लाईवुड एण्ड वीनियर इण्डस्ट्रीज, जजेज रोड, पनवरिया, जिला - रामपुर, उ. प्र.	ब्लॉक बोर्ड्स IS 1659: 2004
39.	9754403	06-10-2009	मै. एन जी प्लाईवुड एण्ड वीनियर इण्डस्ट्रीज, जजेज रोड, पनवरिया, जिला - रामपुर, उ. प्र.	बुडेन फलश डोर शटर्स (सालिड कोर टाइप) भाग-1: प्लाईवुड फेस पैनल्स IS 2202: भाग 1:1999
40.	9754807	07-10-2009	मै. श्री साई ज्वैलर्स डी 38/7 हौज कटोरा कोदई की चौकी, गोदवलिया जिला-वाराणसी, उ. प्र.-221002	गोल्ड एण्ड गोल्ड एलाएज, ज्वैलरी एलाएज/आर्टिफैक्ट्स -फाइननेस एण्ड मार्किंग IS 1417 : 1999
41.	9755809	13-10-2009	मै. श्री साई ज्वैलर्स डी 38/7 हौज कटोरा कोदई की चौकी, गोदवलिया जिला-वाराणसी, उ. प्र.-221002	सिल्वर एण्ड सिल्वर एलाएज, ज्वैलरी/ आर्टिफैक्ट्स-फाइननेस एण्ड मार्किंग IS 2112 : 2003
42.	9756003	13-10-2009	मै. ओरियन्टल पेस्टीसाइड्स, सी 18, 20 एवं 22, गवर्नमेन्ट इण्ड. इस्टेट जिला-गोरखपुर, उत्तर प्रदेश	इण्डोसल्फान इमल्सिफिएबल कंसेंट्रेट्स IS 4323 : 1989
43.	9756205	14-10-2009	मै. गेलेन्ट इस्पात उद्योग प्लाट नं.-ए एल-5, सेक्टर-23, गिडा इण्ड. एरिया, तहसील- सहजनवां, जिला-गोरखपुर, उ. प्र.	एचएसडी स्टील बार्स एण्ड वायर्स फार कंक्रीट रेनफोर्समेंट IS 1786 : 1985

[सं. सी एम डी/13:11]

सी. के. महेश्वरी, वैज्ञा.-जी (प्रमाणन)

New Delhi, the 27th January, 2010

S.O. 381.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulation 1988, of the Bureau of Indian Standards, hereby notifies the grant of particulars of which are given in the following schedule. (Period from 01-07-2009 to 31-10-2009)

SCHEDULE

Sl. No.	Licences No. CM/L	Grant Date	Name & Address of the Party	Title of the Standard	IS No.	Part	Sec	Year
1	2	3	4	5				
1.	9735904	01-07-2009	M/s M J Products Basirganj, Urdu, Suthatti Bazar, District : Jaunpur, Uttar Pradesh -222001	Packaged drinking water (Other than packaged Natural Mineral Water) IS 14543 : 2004				
2.	9736094	01-07-2009	M/s Swarup Chemicals (P)Ltd Vill-Uttardhauna Tiwariganj Chinhat, Distt : Lucknow Uttar Pradesh -227105	Lindane Granules IS 9370 : 1980				
3.	9736195	01-07-2009	M/s Swarup Chemicals (P)Ltd Vill-Uttardhauna Tiwariganj Chinhat, Distt : Lucknow Uttar Pradesh -227105	Carbaryl lindane granules IS 11784 : 1986				
4.	9736805	07-07-2009	M/s Kanhiya Wood Product Panearia, Bhamrua Road, Barpura Sarki, Distt : Rampur, Uttar Pradesh -244901	Wooden flush door shutters (solid core type)Part 1 Plywood face panels IS 2202 : Part 1 : 1999				
5.	9736906	07-07-2009	M/s Kanhiya Wood Product Panearia, Bhamrua Road, Barpura Sarki, Distt : Rampur, Uttar Pradesh -244901	Block Boards IS 1659 : 2004				
6.	9736096	07-07-2009	M/s Kanhiya Wood Product Panearia, Bhamrua Road, Barpura Sarki, Distt : Rampur, Uttar Pradesh -244901	Plywood for general purposes IS 303 : 1989				
7.	9737197	08-07-2009	M/s Bajaj ECO-TEC Products Ltd Vill-Palliakalon, P.O.-Pallia Kalon Distt: Kheri, Uttar Pradesh -262902	Medium Density Fibre Boards for General Purpose- Specification IS 12406 : 2003				
8.	9737201	08-07-2009	M/s Bajaj ECO-TEC Products Ltd Vill- Kundarkhi (Kastur) P.O.- Gobindpora, Distt: Gonda, Uttar Pradesh -271301	Medium Density Fibre Boards for General Purpose- Specification IS 12406 : 2003				
9.	9737403	08-07-2009	M/s Ual Uttar Pradesh Vill- Baramanpur, P.O.-Bhausa, Tehsil.-Kerakat, Distt: Jaunpur, Uttar Pradesh -222129	Asbestos Cement Building Pipes and Pipe fittings, Gutters and Gutter Fittings and Roofing Fittings - Specification- Part 3 :Roofing Fitting, IS 1626 : Part 3 : 1994				
10.	9737504	09-07-2009	M/s Ganesh plywood Product Pvt Ltd. Industrial Area, Sarai Maluhi Distt :Sitapur, Uttar Pradesh -261001	Plywood for general purposes IS 303 : 1989				

1	2	3	4	5
11.	9737605	09-07-2009	M/s Ganesh Plywood Product Pvt Ltd. Industrial Area, Sarai Maluhi Distt : Sitapur, Uttar Pradesh -261001	Wooden flush door shutters (solid core type) Part 1 Plywood face panels IS 2202 : Part 1 : 1999
12.	9737706	09-07-2009	M/s Ganesh Plywood Product Pvt Ltd. Industrial Area, Sarai Maluhi Distt : Sitapur, Uttar Pradesh -261001	Block Boards IS 1659 : 2004
13.	9737908	09-07-2009	M/s Bharat Organics A-2/3, UPSIDC Industrial Area, Sandila Distt : Hardoi, Uttar Pradesh	Pesticide- Carbendazim (MBC) WP- Specification IS 8446 : 1991
14.	9738203	10-07-2009	M/s Sai Tiles Vill-Semra, (Behind Laxmi Doors) Faizabad Road, Chinhat, Distt : Lucknow, Uttar Pradesh -227105	Precast Concrete Blocks for paving IS 15658 : 2006
15.	9738304	10-07-2009	M/s Saraswati Steel D-4, Industrial Area-II, Amawa Road, Distt : Rae Bareilly, Uttar Pradesh -229001	Domestic Pressure Cookers - Specification IS 2347 : 2006
16.	9739003	13-07-2009	M/s Oriental Pesticides C-18, 20 & 22 Govt. Industrial Estate, Distt : Gorakhpur, Uttar Pradesh -273015	Butachlor Emulsifiable Concentrates IS 9356 : 1980
17.	973906	14-07-2009	M/s Pashupati Everest Plywood K-2, K-3 Industrial Area, Persakhera, Distt : Bareilly, Uttar Pradesh -243502	Marine Plywood IS 710 : 1976
18.	9739609	14-07-2009	M/s Shashi Cables Ltd, A-3, Amausi Industrial Area, Kanpur Road, Distt : Lucknow	Crosslinked polyethylene insulated PVC sheathed cables : Part 1 For working voltage upto and including 1100 V IS 7098 : Part 1 : 1988
19.	9739508	15-07-2009	M/s India Pesticides Ltd., Plot No. E-18 to 23, UPSIDC Industrial Area, Chinhat, Deva Road, Distt : Lucknow Uttar Pradesh -227105	Ziram colloidal Suspension IS 11010 : 1984
20.	9740186	17-07-2009	M/s Taj Milk Foods (P) Ltd., 1.5KM Stone, Moradabad Road Sambhal, Distt : Moradabad, Uttar Pradesh	Milk Powder—Specification IS 1165 : 2002
21.	9740287	17-07-2009	M/s Universal Yarn & Tex Pvt Ltd 26/50, Birhana Road, Distt : Kanpur Nagar, Uttar Pradesh -208001	Textile - Polyester Blend Suitings for Uniforms—Specification IS 11248 : 1995
22.	9740590	21-07-2009	M/s Gaurav Jewellers Main Road, Gola Bazar, Khalilabad, Distt : Sant Kabir Nagar, Uttar Pradesh -272175	Gold and Gold Alloys, Jewellery/Artefacts Fineness and Marking—Specification IS 1417 : 1999
23.	9741693	29-07-2009	M/s United Steel Industries, B-13/1, Industrial Area, Nadarganj Amousi, Distt : Lucknow Uttar Pradesh -226008	Steel for General Structural Purposes— Specification IS 2062 : 2006

1	2	3	4	5
24.	9742897	06-08-2009	M/s Bharat Organics, A-2/3, UPSIDC Industrial Area, Sandila, Distt : Hardoi, Uttar Pradesh	Dichlorvos Emulsifiable Concentrates IS 5277 : 1978
25.	9743293	07-08-2009	M/s Aditi Enterprises, 128, Chandralok Colony, Aliganj, Distt : Lucknow, Uttar Pradesh -226024	Packaged drinking water (Other than packaged Natural Mineral Water) IS 14543 : 2004
26.	9743903	11-08-2009	M/s Oriental Pesticides, C-18, 20 & 22 Govt. Industrial Estate, Distt : Gorakhpur, Uttar Pradesh -273015	Chlorpyrifos Emulsifiable Concentrates IS 8944 : 1978
27.	9744501	12-08-2009	M/s Champion Electrical Industrial Co., 349/116A, Suppa Rous, Tikat Rai Talab Colony, Distt : Lucknow, Uttar Pradesh -226004	Propeller Type ac ventilating fans according to IS 2312 : 1967
28.	9744804	17-08-2009	M/s Pratap Prakash & Co., Village- Gaura, Mohanlalganj, Distt : Lucknow, Uttar Pradesh -227305	Plywood for general purposes IS 303 : 1989
29.	9744905	18-08-2009	M/s Pratap Prakash & Co., Village- Gaura, Mohanlalganj, Distt : Lucknow, Uttar Pradesh -227305	Block Boards IS 1659 : 2004
30.	9745095	18-08-2009	M/s Pratap Prakash & Co., Village- Gaura, Mohanlalganj, Distt : Lucknow, Uttar Pradesh -227305	Wooden flush Door shutters (solid core type) Part 1 Plywood face panels, IS 2202 : Part 1 : 1999
31.	9748105	31-08-2009	M/s R. K. Industries Vill. - Uttardhauna, Tara ka purwa tiwariganj, Faizabad Road, Distt : Lucknow, U. P. -227105	Wooden flush Door shutters (solid core type) Part 1 Plywood face panels, IS 2202 : Part 1 : 1999
32.	9748206	31-08-2009	M/s R. K. Industries Vill. - Uttardhauna, Tara ka purwa Tiwari ganj, Faizabad Road, Distt : Lucknow, U. P. -227105	Block Boards IS 1659 : 2004
33.	9748307	31-08-2009	M/s R. K. Industries Vill - Uttardhauna, Tara ka purwa Tiwari ganj Faizabad Road, Distt : Lucknow, U. P. -227105	Plywood for general purposes IS 303 : 1989
34.	9748812	01-09-2009	M/s Hari Prasad Gopi Krishna Saraf (Pvt) Ltd., Hindi Bazar, Gopi Gali, Distt : Gorakhpur, Uttar Pradesh -273005	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking— IS 1417 : 1999
35.	9749814	09-09-2009	M/s Goel Chemicals, 188, Nagaur Gonda Road, Distt : Baharaich, Uttar Pradesh-221801	Anilophos E C IS 13403 : 1992
36.	9752803	25-09-2009	M/s Siddharth Jewellers Sadar Bazar, Distt : Bijinor, U. P.- 246701	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking— IS 1417 : 1999
37.	9754201	06-10-2009	M/s N. G. Plywood & Veneer Industries, Judges Road, Panwaria, Distt : Rampur, U. P.	Plywood for general purposes IS 303 : 1989

1	2	3	4	5
38.	9754302	06-10-2009	M/s N. G. Plywood & Veneer Industries, Judges Road, Panwaria, Distt : Rampur, U. P.	Block Boards IS 1659 : 2004
39.	9754403	06-10-2009	M/s N. G. Plywood & Veneer Industries, Judges Road, Panwaria, Distt : Rampur, U. P.	Wooden flush door shutters (solid core type): Part 1 Plywood face panels, IS 2202 : Part 1 : 1999
40.	9754807	07-10-2009	M/s Shri Sai Jewellers D38/7, Hauz Katora Kodai Ki Chauki, Godwalia, Distt : Varanasi, U. P.-221002	Gold and Gold Alloys, Jewellery/Artefacts Fineness and Marking IS 1417 : 1999
41.	9755809	13-10-2009	M/s Shri Sai Jewellers, D38/7 Hauz Katora Kodai Ki Chauki, Godwalia, Distt : Varanasi, U. P.- 221002	Silver and Silver Alloys, Jewellery/Artefacts Fineness and Marking IS 2112 : 2003
42.	9756003	13-10-2009	M/s Oriental Pesticides, C-18, 20 & 22, Govt. Industrial Estate, Distt : Gorakhpur, Uttar Pradesh -273015	Endosulfan Emulsifiable Concentrates IS 4323 : 1980
43.	9756205	14-10-2009	M/s Gallantt Ispat Ltd. Plot No-AL-5, Sector- 23 GIDA Industrial Area, Teshil : Sahjanwa, Distt : Gorakhpur, Uttar Pradesh	HSD steel bars and wires for Concrete reinforcement IS 1786 : 1985

[No. CMD/13:11]

C. K. MAHESHWARI, Sc.-G (Certification)

नई दिल्ली, 27 जनवरी, 2010

का.आ. 382.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (5) के उप विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गयी तारीख से रद्द कर दिया गया है :- (माह 1 जुलाई, 2009 से 31 अक्टूबर, 2009 तक)

अनुसूची

क्रम सं.	लाइसेंस संख्या सीएम/एल-	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	9678615	मै. केशव मिल्क प्रोडक्ट प्रा. लि., बरेली	स्किम मिल्क पावडर- भाग-2 एक्सट्रा ग्रेड आई एस 13334: भाग 2 : 1992	15-07-2009

[सं. सी एम डी/13:11]

सी. के. महेश्वरी, वैज्ञा.-जी (प्रमाणन)

New Delhi, the 27th January, 2010

S.O. 382.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the Licences of which are given below have been cancelled with effect from the date indicated against each : (Period from 01-07-2009 to 31-10-2009)

SCHEDULE

Sl. No.	Licences No. CM/L	Name & Address of the Licencee	Article/Process with Relevant Indian Standards Covered by the Licence Cancelled/suspension	Date of Cancellation
1.	9678615	M/s Keshav Milk Products Pvt. Ltd., Bareilly	Skim Milk Powder-Specificaion Part 2 : Extra Garde IS 13334 : Part 2:1992	15-07-2009

[No. CMD/13:11]

C. K. MAHESHWARI, Sc.-G (Certification)

नई दिल्ली, 28 जनवरी, 2010

का.आ. 383.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्थापित हो गए हैं :—

अनुसूची

क्रम सं.	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 3989:2009 लोहे के स्पिगट तथा सॉकिट, अपकेन्द्री ढले (स्पन) मल, अपशिष्ट, सवांतन और बरसाती पानी के पाइप, फिटिंग्स और सहायकांग-विशिष्ट (तीसरा पुनरीक्षण)	आई एस 3989:1984	1 अप्रैल, 2010

इन भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली- 110002, क्षेत्रीय कार्यालय नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 6/ टी-22]

पी. घोष, वैज्ञानिक 'ई' एवं प्रमुख (एमटीडी)

New Delhi, the 28th January, 2010

S.O. 383.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. and Year of the Indian Standards Established	No. & Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 3989 : 2009 Centrifugally cast (spun) iron spigot and socket soil, waste, ventilating and rainwater pipes, fittings and accessories - Specification (Third revision)	IS 3989:1984	1 April, 2010

Copy of these Standards is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi- 110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 6/T-22]

P. GHOSH, Scientist 'E' & Head (MTD)

नई दिल्ली, 28 जनवरी, 2010

का.आ. 384.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्थापित हो गए हैं :—

अनुसूची

क्रम सं.	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आई एस 15865: 2009 ढलाईखानों में उपयोग के लिए उष्माक्षेपी और उष्मारोधन स्लीव -विशिष्ट		28 फरवरी, 2010

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली- 110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 14/ टी-11]

पी. घोष, वैज्ञानिक 'ई' एवं प्रमुख (एमटीडी)

New Delhi, the 28th January, 2010

S.O. 384.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. and Year of the Indian Standards Established	No. and Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15865 : 2009 Exothermic and insulating sleeves for use in foundries -Specification	-	28 February, 2010

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi- 110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: MTD 14/T-11]

P. GHOSH, Scientist 'E' & Head (MTD)

नई दिल्ली, 29 जनवरी, 2010

का.आ. 385.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उप विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :—

अनुसूची

क्रम संख्या	लाइसेंस संख्या सीएम/एल-	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रकम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1.	7462982	श्री लक्ष्मी इंटरप्राइजेज, 3-544/डी, पुराना कोठा, नांदेड-431601 महाराष्ट्र	भामा: 14543: 2004 पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	3-11-2009
2.	7804681	हरिओम इंडस्ट्रीज, प्लॉट नं. 21, हिंगुल अंबिका मंदिर के पास एट धर्मबाद, नांदेड-431809 महाराष्ट्र ।	भामा: 14543: 2004 पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	3-11-2009
3.	7948608	सेकुआ मार्केटिंग प्रा.लि., प्लॉट नं. एल-81, अतिरिक्त एमआईडीसी, तालुका सातारा, जिला सातारा-415004 महाराष्ट्र ।	भामा: 4985: 2000 पेयजल आपूर्ति के लिए यूपीवीसी पाइप्स ।	30-09-2009

[सं. सी एम डी/13:13]

सी. के. महेश्वरी, वैज्ञा.-जी (प्रमाणन)

New Delhi, the 29th January, 2010

S.O. 385.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988 of the Bureau of Indian Standards, hereby notifies the licences particulars of which are given below have been cancelled/suspended with effect from the date indicated against each :—

SCHEDULE

Sl. No.	Licences No. CM/L-	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled / suspension	Date of cancellation
1.	7462982	Shri Laxmi Enterprises, 3-544/D, Old Kautha, Nanded-431601	IS 14543 : 2004 Packaged drinking water (Other than packaged natural mineral water)	3-11-2009
2.	7804681	Hariom Industries, Plot No. 21, Near Hingul Ambika Mandir At Dharmabad, Nanded-431809	IS 14543 : 2004 Packaged drinking water (Other than packaged natural mineral water)	3-11-2009
3.	7948608	Sequoia Marketing Pvt. Ltd., Plot No. L-81, Addl. MIDC, Taluka Satara, District Satara-415004	IS 4985 : 2000 UPVC pipes for potable water supplies	30-9-2009

[No. CMD / 13:13]

C. K. MAHESHWARI, Sc.-G (Certification)

नई दिल्ली, 29 जनवरी, 2010

का.आ. 386.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम (5) के उप नियम (4) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :-

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि	पार्टी का नाम व पता	भारतीय मानक का शीर्षक	भा मा भाग सं.	अनु- वर्ष भाग
1.	7983913	4-11-2009	पाटील इंडस्ट्रिज, गट संख्या 157 वाडमुखवाडी, तालुक हवेली, जिला पुणे, 410501- महाराष्ट्र ।	प्रीकास्ट कांक्रीट पाइप्स (प्रबलन सहित और रहित)	458	2003
2.	7970597	4-11-2009	एसएमके एग्रो फूड्स एंड अकुआ प्रा.लि., स.नं. 373, गट संख्या 130 एट पोस्ट बेबेदोहल सोमटाने फाटा के पास तालुका मावल, जिला पुणे, 410506- महाराष्ट्र ।	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	2004
3.	7984713	11-11-2009	क्लासिक अकुआ, गट संख्या 926/2 एट पोस्ट अदारकी तालुका फलटन, जिला सातारा, 415537- महाराष्ट्र ।	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	2004
4.	7986111	19-11-2009	गिरिराज ज्वैलर्स, पुणे-नगर रोड कोलटे बिल्डिंग, वाघोली तालुका हवेली, जिला पुणे 412207- महाराष्ट्र ।	स्वर्ण तथा स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकृति- शुद्धता एवं मुहारांकन	1417 - -	1999
5.	7986515	19-11-2009	महादेव इंडस्ट्रिज, गट संख्या 37 और 48 जाधववाडी, ए/पी नवलख-उम्रे तालुक मावल, जिला पुणे, 410507- महाराष्ट्र ।	प्रीकास्ट कांक्रीट पाइप्स (प्रबलन सहित और रहित)	458	2003
6.	7986616	19-11-2009	सिद्धिविनायक प्रीकास्ट पाइप्स प्रा.लि., गट संख्या 37 और 48 ए/पी नवलख-उम्रे तालुक मावल, जिला पुणे, 410507- महाराष्ट्र ।	प्रीकास्ट कांक्रीट पाइप्स (प्रबलन सहित और रहित)	458	2003

[सं. सी एम डी/13:11]

सी. के. महेश्वरी, वैज्ञा.-जी (प्रमाणन)

New Delhi, the 29th January, 2010

S.O. 386.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following Schedule :

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
1.	7983913	4-11-2009	Patil Industries, Gat No. 157, Wadmukhwadi, Taluka Haveli, District Pune-410501, Maharashtra	Precast concrete pipes (with and without reinforcement)	458			2003
2.	7970597	4-11-2009	SMK Agro Foods & Aqua Pvt. Ltd., S. No. 373, Gat No. 130, At Post Bebedohal, Near Somatane Phata, Taluka Maval, District Pune-410506, Maharashtra	Packaged drinking water (Other than packaged natural mineral water,	14543			2004
3.	7984713	11-11-2009	Classic Aqua, Gat No. 926/2, At Post Adarki, Taluka Phaltan, District Satara-415537, Maharashtra	Packaged drinking water (Other than packaged natural mineral water)	14543			2004
4.	7986111	19-11-2009	Giriraj Jewellers Pune- Nagar Road, Kolte Bldg., Wagholi, Taluka Haveli, District Pune-412207, Maharashtra	Gold and gold alloys, Jewellery/Artefacts- Fineness and Marking	1417			1999
5.	7986515	19-11-2009	Mahadev Industries Gat No. 37 & 48, Jadhavwadi, A/P Navlakh -Umbre, Taluka Maval, District Pune-410507, Maharashtra	Precast concrete pipes (with and without reinforcement)	458			2003
6.	7986616	19-11-2009	Siddhivinayak Precast Pipes Pvt. Ltd., Gat No. 43, Navlakh Umbre, Jadhavwadi, Taluka Maval, District Pune-410507, Maharashtra	Precast concrete pipes (with and without reinforcement)	458			2003

[No. CMD/13:11]

C. K. MAHESHWARI, Sc.-G (Certification)

नई दिल्ली, 29 जनवरी, 2010

का.आ. 387.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप नियम (1) के खंड (ख) के अनुसार भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि अनुसूची में दिए गए मानक (को) में संशोधन किया गया/किये गये हैं :-

अनुसूची

क्रम सं.	संशोधित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1	आई एस 1538:1993 पानी, गैस और मलजल के लिए ढलवां लोहे के दाब पाइपों की फिटिंग - विशिष्ट (तीसरा पुनरीक्षण)	संशोधन संख्या 3 जून 2008	22-01-2010

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली- 110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : एम टीडी 6/ टी-11]

पी. घोष, वैज्ञानिक 'ई' एवं प्रमुख (एमटीडी)

New Delhi, the 29th January, 2010

S.O. 387.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl.No.	No. and Year of the amendment (s)	No. and Year of the amendment	Date from which the amendment shall have effect
1.	IS 1538 : 1993 Cast iron fittings for pressure pipes for water, gas and sewage-Specification (third revision)	Amendment no. 3 June 2008	22 January 2010

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi- 110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref:MTD 6/TE-11]

P. GHOSH, Scientist 'E' in Charge (Met. Engg.)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 1 फरवरी, 2010

का.आ. 388.—भारत सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 2709 तारीख 23-09-09 द्वारा श्री प्रकाश जी. टी. निताली को कर्नाटक राज्य में मैसर्स गेल (इण्डिया) लिमिटेड द्वारा पाइपलाइन विछाने के लिये उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त किया था।

और उक्त श्री प्रकाश का स्थानान्तरण हो गया है और श्री छिक्का को उनके पद पर नियुक्त किया गया है।

और उक्त श्री प्रकाश की मैसर्स गेल (इण्डिया) लिमिटेड में सेवाएं समाप्त हो गई हैं।

अतः अब, भारत सरकार उक्त अधिनियम की धारा 2 के खंड (क) के अनुसरण में और भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 2709 तारीख 23-09-09 को अधिकांत करते हुए, नीचे दी गई अनुसूची के स्तंभ (1) में वर्णित व्यक्ति को उक्त मैसर्स गेल (इण्डिया) लिमिटेड द्वारा पाइपलाइन बिछाने के लिये निम्नलिखित अनुसूची के स्तंभ (2) में वर्णित क्षेत्र में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिये नियुक्त करती है।

अनुसूची

व्यक्ति का नाम और पता	अधिकारिता का क्षेत्र
श्री के. बी. छिक्का बेत्तइय्या, सहायक कमिशनर, मैसर्स गेल (इण्डिया) लिमिटेड में प्रतिनियुक्ति पर, बेंगलूरु, कर्नाटक	सम्पूर्ण कर्नाटक राज्य

[फा. सं. एल - 14014/29/09 - जी.पी.]

स्नेह पी. मदान, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 1st February, 2010

S.O. 388.—Whereas, in pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Government of India vide Notification in the Ministry of Petroleum and Natural Gas S. O. 2709 dated 23-09-09 appointed Shri Prakash GT Nittali, Assistant Commissioner to perform the functions of the Competent Authority under the said Act for laying of pipeline by M/s GAIL (India) Ltd. in the State of Karnataka.

And, whereas, Shri Prakash has been transferred and Shri Chikka has been posted as his incumbent;

And, whereas, the services of the said Shri Prakash with M/s GAIL (India) Limited has come to an end;

Now, therefore, in pursuance of clause (a) of Section 2 of the said Act and in supersession of the notification of the Govt. of India, Ministry of Petroleum & Natural Gas vide S.O. 2709 dated 23-09-09, Government of India hereby authorizes the person mentioned in column (1) of the schedule given below to perform the functions of the Competent Authority under the said Act for laying pipelines by the said M/s GAIL (India) Limited in the area mentioned in column (2) of the said schedule.

SCHEDULE

Name and Address of the person	Area of Jurisdiction
Shri K. B. Chikka Bettaihi, Assistant Commissioner, On deputation basis to M/s GAIL (India) Limited, Bengaluru, Karnataka	Whole State of Karnataka

[F. No. L- 14014/29/09-G.P.]

SNEH P. MADAN, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 7 जनवरी, 2010

का. आ. 389.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं.-1, धनबाद के पंचाट (संदर्भ संख्या 143/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-01-2010 को प्राप्त हुआ था।

[सं. एल-20012/504/99-आई. आर. (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 7th January, 2010

S. O. 389.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 143/2000) of the Central Government Industrial Tribunal No.-I, Dhanbad now as shown in the annexure in Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 7-01-2010.

[No. L-20012/504/99-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I, DHANBAD**

In the matter of a reference U/s. 10(1) (d) (2A) of I.D. Act.

Reference No. 143 of 2000

Parties : Employers in relation to the management of Lodna Colliery of M/s. B. C. C. Ltd.

And

Their Workmen

Present : Shri H. M. Singh, Presiding Officer.**APPEARANCES**

For the Management	:	Shri D.K. Verma, Advocate
For the Workman	:	Shri N. G. Arun, Organising Secretary, RCMS
State : Jharkhand		Industry : Coal

Dated, the 24th December, 2009

AWARD

By Order No. L-20012/504/99-IR(C-1) dated 1-3-2000 the Central Government in the Ministry of Labour has, in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the demand of the union for employment of Sri Jadunath Rajwar, dependent son of Late Rani Rajwarin, ex-Wagon Loader from the management of Lodna Colliery of M/s. BCCL under Para 9.3.2. of NCWA-V is justified ? If so, to what relief the dependent son of Late Rani Rajwarin is entitled ?"

2. Written Statement has been filed on behalf of the concerned workman stating that Late Rani Rajwarin had been working at Lodna Colliery as a Wagon Loader since 24-7-1974. Her personnel No. and CMPF No. were 4565 and C/21/1709 respectively. She expired on 10-6-1985 at Lodna Hospital under M/s. BCCL. Her dependent son, Jadunath Rajwar was below 18 years of age at the time of her death. In this regard, her husband, Arjun Rajwar, Trammer of Lodna Colliery has filed several petitions before the management with a request to enrol the name of the dependent son of Late Rani Rajwarin in the roster register so that as soon as the dependent son will attain the age of 18 years he may be absorbed in BCCL. On the basis of the recommendation of Joint Bipartite Committee for the Coal Industry the provisions of employment to dependent of deceased employee has been included under clause 19.3.2 of NCWA-II, Clause 9.-4.2 of NCWA-III, Cl. 9.4.2 of NCWA-IV and Clause 9.3.2 of NCWA-V. From colliery stage to headquarters stage this case was examined thrice and at two stage the Personnel Managers have recommended and forwarded the case but one junior Personnel Manager has rejected the case superseding the decision of senior Officers. Thereafter the dispute was raised before A.L.C.(C), Dhanbad, which ended in failure and the present reference is the out come of that disputes.

It has been prayed that the Hon'ble Tribunal be graciously pleased to pass an award directing the employer to offer employment to Jadunath Rajwar son of Late Smt. Rani Rajwarin, Ex-Wagon Loader of Lodna Colliery.

3. Written statement has been filed on behalf of the management stating that the reference is not legally maintainable. Late Rani Rajwarin died on 10-6-85. After the death of aforesaid workman none of the dependent applied for employment under provisions of NCWA. At the time of death of the aforesaid employee her husband was working as Trammer in Lodna colliery. Jadunath Rajwar was the dependent of Arjun Rajwar being son of Arjun Rajwar and Rani Rajwarin. At the time of death of Late Smt. Rani Rajwarin, the father of Jadunath Rajwar was working as Trammer at Lodna colliery, as such, he was not entitled for any compassionate employment. After lapse of several years in the year 1998 Jadunath Rajwar demanded

employment in place of her mother. The management considered the application of Jadunath Rajwar and finding no merit in the said application regretted the same and informed him accordingly. Jadunath Rajwar is not a workman within the meaning of Section 2(s) of the I.D. Act. The demand of the union is not justified for claiming employment of Jadunath Rajwar through industrial dispute.

It has been prayed that an awarded be pleased to pass an award holding that the demand of the union for employment of Jadunath Rajwar, dependent of Late Rani Rajwarin, Ex-Wagon Loader from the management of Lodna colliery of M/s. BCCL under para 9.3.2 of NCWA-V is not justified and further be pleased to hold that the dependent son of Late Rani Rajwarin is not entitled for any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. The concerned workman has produced WW-1-Rani Rajwarin who has proved documents as Exts. W-1 to W-4. The workman has also produced WW-2-Awadh Bihari Singh.

The management has produced MW-1-Sachidanand Sharma, who has proved documents as Exts. M-1 to M-3.

6. Main argument advanced on behalf of the concerned workman/union is that the deceased workman, Rani Rajwarin had been working at Lodna colliery as a wagon loader since 24-7-1974. She died on 10-6-1985. The dependent son of deceased employee has applied for employment with the management under 9.3.2 of NCWA-II, 9.4.2 of NCWA-III, 9.4.2 of NCWA-IV and 9.3.2 of NCWA-V, but the management has illegally rejected his prayer for giving employment, though in this respect they have given employment to a number of applicants. It has been argued that when he was under age of 18 years, he could not move for giving employment immediately though his name has been mentioned by her mother. In this respect the concerned applicant, dependent of Late Rani Rajwarin moved application, Ext. W-1 dated 16-4-91 which has been admitted by the management's witness. The concerned workman also gave another application when he was told that when he will attain the age of 18 years he will be provided employment, but this was not done by the management. The quarries were made by the management. He had submitted all papers to Area office. The personnel Manager forwarded his documents by Ext. W-3, but the management regretted for his appointment as per Ext. W-4.

In this respect management's evidence is very such important. Management's witness in cross-examination stated that "I do not have any personal knowledge about the status and family condition of Rani Rajwarin and Arjun and Rajwar. I am not aware about any such provisions in NCWA which speaks about the maintenance of a register

in respect of those dependents of the employees who dies either during their service tenure or are declared medically unfit and the age of the dependent at that time is found to be less than 18 years. Signature of B.K. Singh is also there who was then posted as Dy. C.M.E. which is Ext. W-1." He has stated again that "I am not aware about the existence of any such clause in NCWA which specifies that in case when wife and husband both are in employment of the management and one of them dies during his or her service tenure then in that case their dependent would not be provided with employment on compassionate ground. The application of Jadunath Rajwar submitted before the management in the year 1995 was forwarded to the Headquarter for approval of the competent authority. In this letter (Ext. M-3) no reason has been disclosed for regretting the employment to Jadunath Rajwar. Dy. Chief Personnel Manager is the Head of Area Personnel Department. This service excerpt (Ext. M-2) was issued subsequent to the death of Rani Rajwarin. Gratuity is paid on the basis of Form 'B'. This service excerpt contains the signature of dealing clerk and one authority of the management, but presently I do not re-call his name and designation. I do not know whether there is any prescribed period provided in NCWA or not for the submission of application for employment in place of a deceased employee." This evidence of the management's witness shows that the argument on behalf of the management is that when husband and wife both are in employment of the management and one of them dies during his or her service tenure then in that case their dependent would not be provided with employment on compassionate ground. But the management has not filed any such settlement with the union, rather as per provision of NCWA if during tenure of service an employee dies, his or her dependent shall be provided employment. The management has also not filed any paper that after death of an employee there is time limit of giving application for dependent employment when the dependent is under-age and minor and when he was minor he cannot be entitled for employment till majority, and on that basis management cannot reject the application. Ext. M-1 shows that certain formalities and requirement were made by the management for appointment of the concerned person on compassionate ground. Ext. M-2 shows that the concerned applicant was 14 years of age when her mother was alive and he is dependent of her mother.

7. It shows that the management illegally has denied employment to the dependent son of Rani Rajwarin, though the concerned applicant had submitted filled format after attaining the age of maturity and reason of giving late application has also been explained by the concerned applicant as per Ext. W-5 and he has been identified by the Mukhiya of Gram Panchayat as per Ext. W-8.

8. Considering facts and circumstances mentioned above. I hold that the demand of the union for employment of Sri Jadunath Rajwar, dependent son of Late Rani Rajwarin

ex-wagon loader from the management of Lodna Colliery of M/s. BCCL under Para 9.3.2 of NCWA-V is justified. The management is directed to provide employment to Jadunath Rajwar, dependent son of Late Rani Rajwarin within 30 days from the date of publication of this Award.

This is my award.

H.M. SINGH, Presiding Officer

नई दिल्ली, 7 जनवरी, 2010

का. आ. 390.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पैसर्स सी.सी. लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1 धनबाद के पंचाट (संदर्भ संख्या 162/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-01-2010 को प्राप्त हुआ था।

[सं. एल-20012/320/89-आई. आर. (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 7th January, 2010

S. O. 390.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 162/90) of the Central Government Industrial Tribunal/Labour Court No. -1 Dhanbad now as shown in the annexure in Industrial Dispute between the employers in relation to the management of M/s. C.C.Ltd. and their workmen, which was received by the Central Government on 7-01-2010.

[No. L-20012/320/89-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10(1) (d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 162 of 1990

Parties : Employers in relation to the management of New Selected Dhori Colliery of M/s. C. C. Ltd.

And

Their Workmen

Present : Shri H. M. Singh, Presiding Officer.

APPEARANCES

For the Employers : Shri D.K. Verma,
Advocate.

For the Workmen : None

State : Jharkhand.

Industry : Coal.

Dated, the 14th December, 2009

AWARD

By Order No. L-20012/320/89-IR(Coal-I) dated 11-7-1990 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the management’s action of New Selected Dhori Colliery of M/s. Central Coalfields Ltd. in superannuating Sri Dayal Chand Kanu, a piece rated worker from 1-2-88 is justified? If not, to what relief is the workman entitled?”

2. Written statement has been filed on behalf of the concerned workman stating there in that the concerned workman, Dayal Chand Kanu, a piece-rated worker was retired w.e.f. 1-2-88 by the management of M/s. C.C.L. On notice of retirement being served on the concerned workman, he represented that the entry in Form ‘B’ Register was prepared on his appointment in 1972 when the ownership of the colliery was in private hands. It was subsequently taken over by the National Coal Development Corporation and the said entry in Form ‘B’ register was carried over. The concerned workman at the time of appointment was not medically examined for assessment of correct age and that his date of birth was recorded to be 1-2-1928. The wrong entry in the Form ‘B’ Register about his date of birth was not known to the concerned workman that for the first time he learnt about it from the superannuation notice. The concerned had read in Nowadiah in the district of Giridih. He made an effort to trace out from the School register the age recorded in the school register, the date of birth shows as 9-2-1931. The School Leaving Certificate on the basis of the entries in the school register was made by the Head Master of Nawadiah School and it was countersigned by “Shiksha Prasara Padadhikari, Nawadiah, Giridih as well as Zila Shiksha Padadhikari, Giridih. The concerned workman represented to the colliery management and the Area General Manager and the Personnel Manager of the Area alongwith photostat copies of the school leaving certificate of school register for the purpose of correction of his age recorded in Form “B” register, but the same was rejected and the concerned workman was forced to retire at the age of 37 years instead of the normal age of superannuation at the age of 60 years. Thereafter, an industrial dispute was raised before the A.L.C.(C), Hazaribagh which ended in failure due to adamant attitude of the management and hence the present dispute has been referred to this Tribunal by the Ministry of Labour for adjudication.

2. It has been prayed before this Tribunal to pass an award holding that the action of the management in superannuating the concerned workman w.e.f. 1-2-88 is not justified and the workman is entitled to reinstatement with back wages.

3. The management has filed written statement stating that the concerned workman, Dayal Chand Kanu was previously employed as a piece rated worker in New Selected Dhorri Colliery. As per the records of the management including the service sheet and also the documents relating to CMPF and Family Pension, the workman concerned declared and admitted his date of birth as 1-2-1928. The concerned workman was issued service excerpt in the year 1987 indicating therein his date of birth as 1-2-1928. The concerned workman returned one copy of the service excerpt accepting the particulars mentioned therein including his date of birth as 1-2-1928. In the L.T.C. Form the workman concerned declared his age as 59 years in 1987. The concerned workman was issued with a notice of superannuation dated 18/19-9-87 in advance and he was superannuated w.e.f. 1-2-88 on attaining the age of 60 years. The concerned workman made a representation which was received by the management on 7-1-88 and claimed that his date of birth should be 9-2-1951 as per his school leaving certificate. His claim could not be accepted as it was found to be untenable and that it was based on misrepresentation. The so-called school leaving certificate on the basis of which he claimed that his date of birth was 9-2-1951 appears to have been procured by manipulation and was fabricated. The law is settled that the claim made by workman towards the fag end of their career for changing their date of birth should be rejected outright.

It has been prayed by the management before this Tribunal to pass an award by holding that the action taken by the management in superannuating Dayal Chand Kanu w.e.f. 1-2-88 is fully justified and he is not entitled to any relief.

4. In rejoinder to the written statement of the workman, the management has stated almost same facts as have been stated in its written statement.

5. The concerned workman has produced the Head Master of the school as WW-1-Sarjoo Prasad Arya, who has proved Ext.W-1 and W-2. The concerned workman has produced himself as WW-2.

The management has produced MW-1-Vijay Kumar Verma, who has proved Exts. M-1 to M-5.

6. The main argument advanced on behalf of the concerned workman is that his date of birth 1-2-28 has wrongly been mentioned. His date of birth should be 9-2-1951 as per school leaving certificate.

The management has argued that the date of birth of the concerned workman is mentioned as 1-2-28 in CMPF/Family Pension, Ext. M-1 and as per Service Excerpt, Ext.

M-2, which was served to the concerned workman shows his date of birth as 1-2-28 and he has also taken L.T.C. (Ext.M-4) which has been shown his age as 59 years in 1987. In Ext.M-3 also his date of birth has been mentioned as 1-2-28 which has been signed by him. In Ext. M-5 his date of birth is shown as 1-2-28. All these documents are statutory documents maintained by the management in which the date of birth of the concerned workman is shown as 1-2-28.

In this respect the evidence of WW-1-Sarjoo Prasad Arya, who has produced Ext.W-1 and W-2 the school leaving certificate countersigned by the Block Education Officer and District Education Officer shows that this certificate has been granted when the concerned workman was about to retire, but he has stated in cross-examination that usually transfer certificate is granted immediately after the pupil leaves the school. In this case the entry in original register would show that earlier Sri Kanu had not demanded this certificate. He has stated at page 2 that "that application I have not brought with me. At that time I was not the Head Master of the school when the entry in Ext.W-2 was made. It was made by R.H.Jha, who had written this entry, has since expired I have not seen him writing the entry. The concerned workman, WW-2, stated in cross-examination that "when entry in Form 'B' register was made I put my L.T.I. at that time I did not object about alleged wrong entry of my date of birth. My service sheet was prepared on which my photo has been affixed but I had not put my L.T. I. therein. At the time of introduction of Family Pension Scheme I had given application for entry of my name therein. At page 2 that Ext.M-1 is my service excerpt prepared in the year 1987. I had filled up form for availing LTC., Ext.M-4. All these show his date of birth 1-2-28, so this cannot be altered or cannot be changed. So he has been legally superannuated by the management. Regarding school leaving certificate which has been tried to be genuine by the concerned workman, but this Ext. W-1 shows that it has been manipulated to get his age corrected.

In view of the above facts and circumstances, I hold that the concerned workman is not entitled to get any relief.

7. Accordingly, I render the following award—The action of the management of law Selected Dhorri Colliery of M/s. C.C. Ltd. in superannuating Sri Dayal Chand Kanu, a piece rated worker from 1-2-88 is justified and the concerned workman is not entitled to get any relief.

H. M. SINGH, Presiding Officer

नई दिल्ली, 7 जनवरी, 2010

का. आ. 391.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स टिसको के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच,

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1, धनबाद के पंचाट (संदर्भ संख्या 254/1990) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-01-2010 को प्राप्त हुआ था।

[सं. एल-20012/299/90-आई. आर. (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 7th January, 2010

S.O. 391.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 254/1990) of the Central Government Industrial Tribunal/Labour Court No.-I, Dhanbad now as shown in the annexure in Industrial Dispute between the employers in relation to the management of M/s. TISCO. and their workmen, which was received by the Central Government on 7-01-2010.

[No.L-20012/299/90-IR(C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10(1)(d) & (2A) of
Industrial Disputes Act, 1947.

Reference No. 254 of 1990

Parties : Employers in relation to the management of M/s.
Tata Iron & Steel Company Ltd.

And

Their Workmen

Present : Shri H. M. Singh, Presiding Officer.

APPEARANCES

For the Employers : None

For the Workmen : None

State : Jharkhand. Industry : Coal.

Dated, the 23rd December, 2009

AWARD

By Order No.L-20012/299/90-IR(C-I) dated 17-10-1990 the Central Government in the Ministry of Labour has, in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the Management in not treating the following workman to be in continuous service with effect from the date noted against each is justified ? If not, to what relief they are entitled?”

Whether the action of the management of M/s. TISCO Ltd., P.O. Jamadoba, Dt. Dhanbad in not allotting quarter to Shri Ram Chandra Singh at Kalimela Colony where his juniors were allotted quarters is justified? If not to what relief is he entitled to?”

S. No.	Name	Date of appointment
1.	Shri Jainath Tiwary	19-1-1968
2.	Shri Biswanath Upadhyay	1-11-1977
3.	Shri Jagarnath Pd. Singh	31-3-1977
4.	Shri Surendra Kr. Ojha	1-11-1977
5.	Shri Ganesh Singh	1-11-1977
6.	Shri Ram Chandra Singh	12-12-1977
7.	Shri S.P. Shukla	23-10-1974

2. The written statement has been filed on behalf of the concerned workmen stating the concerned workmen Jainath Tiwary and 6 others who are ex-servicemen and had undergone training in the army for a long time and are quite experienced in all respects were selected to perform the duties and responsibilities of watchman in the Security Department of TISCO Ltd., Jamadoba. But they were kept in temporary employment for a few years although all of them have worked in permanent post. The nature of job performed by them was of permanent nature, but with a malicious intention to deprive them of all consequent benefits they were arbitrarily kept in temporary employment. The demand of the watchman, represented by Janta Mazdoor Sangh, is that the total rendered by them from the date of appointment should be counted so that they may not be deprived of any benefit. The action of the management in not counting their date of appointment is contrary to Certified Standing Orders of the colliery. In this respect dispute was raised before the A.L.C.(C) for conciliation but the same failed and thereafter dispute has been referred to the Hon'ble Tribunal for adjudication.

With regard to the 2nd item of terms of reference relating to an arbitrary action of the management in not allotting quarter to Ram Chandra Singh at Kalimela Colony, it has been submitted that gross injustice has been done in his case as a large number of junior workmen were allotted quarters but he was deprived of this benefit.

It has been demanded by the sponsoring union that Jainath Tiwary and 6 others should be treated with continuity in permanent service with effect from their date of appointment and with regard to 2nd item it has been demanded that Ram Chandra Singh ought to have been provided with a suitable accommodation.

3. The written statement has been filed on behalf of the management stating therein that the concerned workmen, Jainath Tiwary and six others were initially

recruited as temporary watchmen on the dates mentioned against their respective names in the schedule of reference. They used to be employed for temporary durations to meet temporary needs of extra hands on the work in place of permanent watchmen/security guards during temporary vacancies caused on account of their sickness or leave. The concerned workmen were selected as security guards against permanent vacancies on the dates given below against their names.

Sl No.	Name	Date of initial temporary appointment	Date of permanent employment
1.	Jainath Tiwary	19-1-68	10-8-70
2.	Biswanath Upadhyay	1-11-77	1-5-80
3.	Jagannath Pd. Singh	31-3-77	21-5-79
4.	Surendra Kr. Ojha	1-11-77	16-7-79
5.	Ganesh Singh	1-11-77	1-5-80
6.	Ramchandra Singh	12-12-77	21-9-81
7.	S.P. Shukla	23-10-74	21-1-77

An industrial dispute had been raised by one of the concerned workmen, S.P. Shukla which was referred to Industrial Tribunal No. 2 for adjudication, being number as Ref. No. 8/79. The Tribunal by an Award dated 2-8-79 directed that the date of appointment of Sri Shukla should be treated as 21-1-77. Accordingly, the date of appointment of Sri Shukla was corrected as 21-1-77. Since the dispute of Sri Shukla has already been decided in adjudication, it cannot be re-agitated. There exists a binding Award passed by this Hon'ble Tribunal in Reference No. 8/83 holding that the temporary watchmen of the management cannot claim for continuity of service from the initial date of their temporary employment. They cannot claim permanent service from the date, they completed 240 days of attendance in a calendar year. The above award has not been challenged by the workmen in a writ petition before the Hon'ble High Court or Supreme Court and they have accepted the same without any protest.

Regarding allotment of quarters at New Kalimela colony, the management allotted the quarters there to some workmen on the basis of selections made out of the persons who submitted their options. As the concerned workmen, Ramchandra Singh did not submit his option for allotment of a quarter to him at New Kalimela colony as per circular dated 5-5-82 there was no scope for consideration of his case. It has been submitted that quarters are allotted to workmen on priority basis and not purely on seniority basis. As the concerned workman did not submit his option for allotment of a quarter at New Kalimela colony his priority could not be considered.

It has been prayed that the Tribunal be graciously pleased to pass an award holding that the action of the

management is legal, bonafide and justified and the concerned workmen are not entitled to any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. On 12-2-1997 Sri Biswanath Upadhyay, the concerned workman at Sl. No. 2 appeared before this Tribunal and filed an affidavit stating that he did not want to contest the case. Accordingly, the name of the concerned workman, Biswanath Upadhyay was struck off from the list as per his affidavit.

6. The management has produced MW-1-Dinesh Kumar Sharma who has proved Exts. M-1 and M-2 to M2/6.

7. Notice was sent to both the parties on 23-6-2009 fixing the case on 27-8-2009 for hearing of argument on merit. But neither the sponsoring union appeared nor any one appeared on behalf of the management.

8. Perused the record. As per written statement on behalf of the management shows that the management has not regularised temporary watchmen as per award of reference No. 9/83 passed by the Tribunal. In this reference it has been held that the temporary watchmen of the management cannot claim for continuity of service from the initial date of their temporary employment/post. This order was not challenged before the Hon'ble High Court or Supreme Court.

9. Regarding allotment of quarter the management has stated in para 13 of their written statement that Sri Ramchandra Singh did not submit his option for allotment of a quarter to him at New Kalimela colony as per circular 5-5-82, so there was no scope for consideration of his case. Moreover, quater are allotted to workmen on priority basis and not purely on seniority basis. So regarding allotment of quarter it cannot be pleaded because it is need of the management that if a particular workman is in emergency duty a quarter should be allotted to him and this cannot be demanded for allotment of quarter by the workman. In Reference No.9/83 the award was passed, when it was referred, for persons who have completed 240 days' attendance whether they should be regularised from their initial engagement and it has been decided on 4-8-84 that after completion of 240 days attendance temporary watchmen cannot claim regularisation. No evidence has been proved on behalf of the workmen in the written statement filed on behalf of the workmen. Moreover, they have been regularised and given employment as per written statement para 5 of the management on the dates mentioned against their names.

10. Accordingly, the action of the management in not treating the concerned workmen, mentioned in the order of reference, to be in continuous service with effect from the date noted against their names is justified and in not allotting quarter to Ram Chandra Singh at Kalimela colony

where his juniors were allotted quarters is also justified. Hence, the concerned workmen are not entitled to get any relief.

This is my Award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 7 जनवरी, 2010

का. आ. 392.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी.सी.सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1 धनबाद के पंचाट (संदर्भ संख्या 40/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-01-2010 को प्राप्त हुआ था।

[सं. एल.-20012/69/2008-आई. आर. (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 7th January, 2010

S.O. 392.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 40/2008) of the Central Government Industrial Tribunal/Labour Court No. 1, Dhanbad now as shown in the annexure in Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 7-01-2010.

[No. L-20012/69/2008-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference U/s. 10(1) (d) & (2A) of Industrial Disputes Act, 1947.

Reference No. 40 of 2008

Parties : Employers in relation to the management of East Katras Colliery of M/s. BCCL.

And

Their Workmen

Present : Shri H.M. Singh, Presiding Officer

APPEARANCES

For the Employers	:	Shri D.K. Verma, Advocate.
For the Workman	:	Shri B. N. Singh, Advocate /General Secretary, N.C.W.C.
State : Jharkhand.		Industry : Coal.

Dated, the December, 2009

AWARD

By Order No. L-20012/69/2008-IR (Coal-I) dated 16-9-2008 the Central Government in the Ministry of Labour

has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of East Katras Colliery of M/s. BCCL in dismissing the services of Shri Vijay Pathak, Fitter w.e.f. 17-8-2007 is justified and legal? To what relief is the concerned workman entitled?"

2. The written statement has been filed on behalf of the concerned workman stating that he was initially appointed as General Mazdoor Category 'F' in pursuance of settlement arrived at between the management and R.C. in Ref. No. 71/81 pending for a long time in CGIT No. 1, Dhanbad and he was appointed on the above post vide letter of appointment No. 8091 dated 12-8-86/1-9-86. It has been stated that before his appointment his genuinity as Vijay Pathak was got ascertained by the management and during his probationary period of one year after issuance of aforesaid appointment letter, his genuinity as Vijay Pathak was got ascertained again as a result of which he was confirmed in service. He was issued Identity Card by the management in which his date of appointment is written as 24-9-86. After his continuance in service for more than 20 years he was issued Memorandum No. 1475 dated 23/25-10-06 alongwith Annexures-I, II and III and vide these annexures allegation against him was brought that he was imposter and that his real name is Mandeo Singh S/o Pradip Singh of village, Bhawantola, P.O. Jay Parkash Nagar, Thana -Bairia, Dist. Balia (U.P.). The concerned workman replied to the chargesheet denying the aforesaid allegation. But his reply was not considered by the management and so a departmental enquiry was conducted. In the enquiry proceeding the concerned complainant was not examined. The Enquiry Officer did not allow the concerned workman his befitting co-worker to sit in the enquiry to assist him and he also did not give full opportunity to the concerned workman to defend his case. Though the allegation levelled against the concerned workman as imposter was not proved even then he was dismissed from service on the basis of enquiry report of the concerned which is liable to be set aside and the concerned workman is entitled to be reinstated in service with full back wages etc. from the date of his dismissal.

It has been prayed that the Hon'ble Tribunal be pleased to pass an award in favour of the workman by directing the management to re-instate the concerned workman in service with full back wages.

3. The written statement has been filed on behalf of the management stating that the actual name of the concerned workman is Mandeo Singh S/o Pradip Singh. he adopted the name of Vijay Pathak and started impersonating him and by giving false information in respect of his name and parentage and entered into the employment

of BCCL. The above act of the concerned workman is a misconduct according to Certified Standing Order No. 26-1-12 and 26-1-29. The management issued a chargesheet to the concerned workman vide Chargesheet dated 23/25-10-2006. He submitted his reply which was not found satisfactory and accordingly the management appointed Enquiry Officer to conduct domestic enquiry in accordance with principles of natural justice. The Enquiry Officer conducted domestic enquiry in accordance with the principles of natural justice and submitted his report holding therein that the workman concerned is guilty of the charges levelled against him. Thereafter the disciplinary authority supplied the enquiry report to the workman concerned and issued second show cause notice. The concerned workman submitted his explanation to the second show cause notice which was examined by the disciplinary authority. The explanation was not found satisfactory. Accordingly the Disciplinary Authority dismissed the workman concerned from service of the company. The enquiry conducted by the Enquiry Officer is fair, proper and in accordance with the principles of natural justice. The concerned workman participated in the enquiry. He was allowed to cross-examine the management's witnesses. He was also allowed to adduce evidence in support of his defence.

It has been prayed that the Hon'ble Tribunal be pleased to hold that the enquiry conducted by the management as fair and proper and also hold that the dismissal of the workman concerned is legal and justified.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. The management has produced MW-1-Murlidhar Singh who has proved documents marked as Exts. M-1 to M-7.

6. The domestic enquiry was held fair and proper on 10-9-2009.

7. Arguments of both sides heard on merit.

8. It has been argued on behalf of the concerned workman that he has served continuously for more than 20 years. It has also been argued that no complainant was examined by the Enquiry Officer on which basis the concerned workman was dismissed from service.

9. The learned counsel on behalf of the management argued that the concerned workman impersonated himself as Vijay Pathak and he was Mandeo Singh S/o Pradip Singh but he started impersonating him to get employment and remained in service. Report from the police was also received that his actual name is Mandeo Singh S/o Pradip Singh. In this respect the representative of the workman argued that he has filed number of document that he is Vijay Pathak S/o Pradip Pathak. It has also been mentioned

in Voter List, Revenue record and the certificate issued by Pradhan, Gram Panchayat, but these have not been believed by the management.

10. In this respect the statement of management's witness MW-1 is very important who has stated in cross-examination that "No complainant has come before the enquiry proceeding. In course of enquiry proceeding no complaint letter was received. I cannot say on which basis letter was addressed to Balia Police Superintendent. No Police Officer was examined by the management in course of enquiry proceeding. G.M. was not examined in the enquiry proceeding." This statement of the management's witness shows that there is no complaint letter, no complainant was examined and he does not know on which basis letter was written to the Superintendent of Police, Balia regarding verification of the concerned workman. Moreover, the concerned workman has filed certificate from Pradhan, Gram Panchayat, Balia dated 3-1-2000 in which he has been shown as Vijay Pathak S/o Pradip Pathak (Late) and as per application regarding resident certificate it has also been written Vijay Pathak and Election Commission of India issued Identity Card in which his name has been shown Vijay Pathak S/o Pradip Pathak and Election paper of 2007 his name also finds place at Sl. No. 1398 as Vijay Pathak S/o Pradip Pathak. He has deposited money of Rs. 15/- as Vijay Pathak S/o Late Pradip Pathak. Affidavit has also been sworn by Shrikant Singh by declaring that Vijay Pathak is S/o Pradip Pathak. In Revenue record his name has been mentioned of the year 1410-1415 Gram Tahsil Behira regarding Plot No. 138 of Vijay Pathak. All these documents show that he is Vijay Pathak S/o Late Pradip Pathak, but the management on whimsical ground, without examining the complainant, without proving the complaint and without examining the Police Officer, held that the concerned workman is Mandeo Singh S/o Pradip Singh as against these public documents which clearly issued by public officers filed by the concerned workman, voter list, revenue document, certificate issued by Gram Pradhan and Identity Card issued by Election Commission and affidavit filed by villager of the concerned workman's village show that the concerned workman is Vijay Pathak S/o Pradip Pathak.

11. Considering all the facts mentioned above, I hold that the name of the concerned workman is Vijay Pathak S/o Late Pradip Pathak and so the action of the management of East Katras Colliery of M/s. BCCL in dismissing the services of Sri Vijay Pathak, Fitter w.e.f. 17-8-2007 is not justified and hence the concerned workman is entitled to be reinstated in service from the date of dismissal with full back wages. The management is directed to implement the award within 30 days from the date of publication of the Award.

H.M.SINGH, Presiding Officer

नई दिल्ली, 7 जनवरी, 2010

का. आ. 393.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सी.सी. लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1, धनबाद के पंचाट (संदर्भ संख्या 175/1990) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-1-2010 को प्राप्त हुआ था।

[सं. एल-20012/20/90-आई. आर. (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 7th January, 2010

S.O. 393.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 175/1990) of the Central Government Industrial Tribunal/Labour Court No.-1, Dhanbad now as shown in the annexure in Industrial Dispute between the employers in relation to the management of M/s C.C.Ltd., and their workmen, which was received by the Central Government on 7-1-2010.

[No. L-20012/20/90-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I, DHANBAD**

In the matter of a reference U/s. 10 (1) (d) & (2A) of I. D. Act.

Reference No. 175 of 1990

Parties : Employers in relation to the management of Urimari Colliery of M/s. C.C.Ltd.

And

Their Workmen

Present : Shri H.M.Singh, Presiding Officer.

APPEARANCES

For the Employers : Shri D.K. Verma, Advocate.

For the Workman : Shri R.N.Ganguly, Advocate.

State : Jharkhand. Industry : Coal.

Dated the 17th December, 2009.

AWARD

By Order No. L-20012/20/90-IR (Coal-I) dated 21-8-1990, the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

"Whether the action of the management of Urimari Colliery of M/s. C.C.Ltd., P.O. Barkakana, Distt. Hazaribagh by terminating the services of Shri Dhaneshwar Sao w.e.f. 28-2-89 and not making payment of his arrears of back wages as per provision of NCWA-IV and III is legal and justified? If not, to what relief the workman concerned is entitled?"

2. Written statement has been filed on behalf of the concerned workman stating that the concerned workman, Dhaneshwar Saw, was appointed as peon at the sales centre of Urimari colliery of M/s. C.C.Ltd., on 17-11-86. He continued in service regularly by putting attendance on all the days at the sales centre upto 2-11-87. His total attendance from 17-11-86 to 2-11-87 was more than 240 days. The management did not issue him any appointment letter or identity card. His name was not enrolled in the form 'B' Register or in any other Register. His attendances were marked in a blank register, and he was paid his wages on vouchers. He was not paid any bonus or any other dues. The management stopped the concerned workman from his duties w.e.f. 3-11-87 in order to cause artificial break in service. The concerned workman raised an industrial dispute through union by letter dated 21-12-87 addressed to the Project Officer of Urimari Colliery demanding reinstatement of the concerned workman and payment of back wages to him. The management allowed the concerned workman to resume work immediately after receipt of the letter dated 21-12-87. As the management was following unfair labour practice by not entering the name of the concerned workman in the relevant registers of the management and by not paying wages as prescribed under NCWA, the sponsoring union raised an industrial dispute before A.L.C. (C) by letter dated 30-12-88 demanding payment of wages as per NCWA and maintenance of proper records in respect of employment of the concerned workman. The management terminated the services of the concerned workman as soon as it learnt about conciliation proceedings by the A.L.C. (C), Hazaribagh in order to avoid taking permission from the conciliation officer under Section 33 of the I.D. Act. The sponsoring union raised another dispute over illegal termination of service of the concerned workman w.e.f. 28-9-89 by its letter dated 4-3-89. After failure of conciliation proceeding for amicable settlement, the dispute has been referred to this Tribunal for adjudication.

It has been prayed before this Hon'ble Tribunal to pass the award in favour of the concerned workman granting him the relief of reinstatement with full back wages and other benefits and difference of wages for which he is entitled as stated above.

3. The management has filed written statement stating therein that the present reference is bad in law and not maintainable. There is no valid industrial dispute in the present case within the meaning of Section 2 (k) of the I.D. Act. There was no employer-employee relationship

between the management and Daneshwar Saw, and therefore there can be no question of giving any benefit or relief as envisaged in the above terms of reference. Urimari Colliery is one of the new collieries of the C.C. Ltd., and it has no railway siding. Coal produced from this colliery is partly disposed of by local sale and it is transported by trucks. Some part of coal is transported by trucks to railway siding of other part by collieries of CCL Urimari Colliery was not having any weigh bridge at all relevant times for weighing of trucks and the trucks were weighed before entering Urimari colliery and after they were loaded with the coal at the weigh bridge of another colliery namely, K.K. Colliery which is located on the other side of river Damodar. This weigh bridge was not under the control of Urimari. Therefore, there can be no question of any person allegedly working at the weigh bridge of K.K. Colliery being treated as an employee of Urimari colliery of his being employed by Urimari Colliery. Specially no daily rated worker is required at the Weigh bridge. The sales Centre is also not at Urimari Colliery. According to the system and procedure existing in the Company, a written appointment letter is issued to all the persons employed in the Company for the first time and their names are also entered in the various records of the Company including Form 'B' Register, Bonus Register etc. No appointment letter was ever issued to Dhaneshwar Saw and his name does not appear in Form 'B' Register or Bonus Register or other documents of the Company. It transpires that some interested persons and specially Sri K.P. Sinha, the then Office Superintendent of the colliery who has since retired under Para 9.4.3 of NCWA-IV fraudulently indulged in manipulations and fabrication of records with a view to inducing Shri Daneshwar Saw into the employment of the Company through back door method. Such manipulations were put an end to when the matter came to the notice of the management. In the light of the foregoing facts and circumstances and the fact that Dhaneshwar Saw was never employed by the management at any time, the question of terminating his services w.e.f. 28-2-89 does not and cannot arise. For the same reasons, the question of making any payment of arrears or back wages to Dhaneshwar Saw as per provisions of NCWA-IV and III does not and cannot arise. Hence, he is not entitled to any relief whatsoever.

It has been prayed that this Hon'ble Tribunal be pleased to hold accordingly and give an award to that effect.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. The management has produced MW-1 R.M. Yadav and MW-2- Paulus Bodra. The concerned workman has produced himself as WW-1 who has proved Ext. W-1 and W-2.

6. The main argument advanced on behalf of the concerned workman that he has demanded salary/wages. No attendance register has been filed and as per evidence of the concerned workman, WW-1, he has stated in cross-examination at page 2 that he was not given any appointment letter. At page 3 he stated "I had demanded from the management in writing supply of Identity Card. Bonus Card as well appointment letter. But those were not given to me. I have no documentary proof like receipt to show that I had made such demand in writing. With me I have no document relating to my service. It only shows that the demand has been on false ground. There is no document which may support the demand of the concerned workman. The documents filed by the concerned workman Exts. W-1 and W-2 cannot be relied on any way because they have not been prepared in usual course of business by the management, so that it can be relied. When there is no appointment letter, identity card, bonus card and no document for employment with the concerned workman, it cannot be presumed that he was working with the management till November, 1987.

In view of the discussions made above, I hold that the concerned workman is not entitled to any relief.

7. Accordingly, I render the following award.

The action of the management of Urimari Colliery of M/s. C. C. Ltd., P.O. Barkakana, Distt. Hazaribagh by terminating the services of Shri Dhaneshwar Saw w.e.f. 29-2-89 and not making payment of his arrears of back wages as per provision of NCWA-IV and III is legal and justified and hence the concerned workman is not entitled to any relief.

H. M. SINGH, Presiding Officer

नई दिल्ली, 7 जनवरी, 2010

का. आ. 394.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार टूटीकोरिन पोर्ट ट्रस्ट कार्गो के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 4/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-1-2009 को प्राप्त हुआ था।

[सं. एल-44011/3/2006-आई. आर. (बी-II)]

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 7th January, 2010

S.O. 394.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 4/2007) of the Central Government Industrial Tribunal/Labour Court, Chennai, now as shown in the Annexure in Industrial Dispute between the employers in relation to the

management of Tuticorin Port Trust Cargo and their workman, which was received by the Central Government on 6-1-2009.

[No. L-44011/3/2006-IR (B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 22nd December, 2009

Present : A.N. Janardanan, Presiding Officer

Industrial Dispute No. 4/2007

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of the Tuticorin Port Trust Cargo Handling Labour Pool and their Workmen)

BETWEEN

The President,
Tuticorin Port Trust Contract Workers Union (CITU),
16, Masilamanipuram,
3rd Street,
Tuticorin-8.Petitioner/1st Party

The Deputy Traffic Manager,
Tuticorin Port Trust Cargo Handling,
Labour Pool,
Administrative Office,
Next to Port Hospital,
Harbour Estate,
Tuticorin-4.Respondent/2nd Party

APPEARANCES

For the 1st Party/Petitioner : M/s. D. Geetha & S.
Anbazhagan.

For the 2nd Party/Management : Sri S. Lasington
Fernando

AWARD

The Central Government, Ministry of Labour vide its Order No. L-44011/3/2006-IR S (B-II) dated 19-1-2007 referred the following Industrial Dispute to this Tribunal for adjudication.

The Schedule mentioned in that Order is :

“Whether the claim of Tuticorin Port Trust Contract Worker's Union (CITU) for reinstatement of S/Shri A. Mahakaliappan, M. Muthu, K. Petchimuthu and Smt. A Jothi by the management of Tuticorin Port Trust Handling Labour Pool, Tuticorin is legal and

justified? If not, to what relief the workmen are entitled?

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 4/2007 and issued notices to both sides. Both sides entered appearance through their advocates and filed their Claim and Counter and Amended Claim and Reply Statements as the case may be.

3. The case of the petitioner union in the Amended Claim Statement briefly reads as follows:

The Tuticorin Port Trust was formed in 1979. As per several settlements entered between the Union and Tuticorin Stevedores Association the workers of Cargo Handling demanded regularization of their employment under the Respondent. As per the settlement dated 6-1-1998, the status of Port Trust Employee was to be extended to the Cargo Handling Workers and Staff Members of the Stevedores Association (Labour Pool). Pursuant to a strike that broke out in the meanwhile another settlement was entered on 22-12-1999 under which except workers viz. one Mahakaliappan, Petchimuthu, M. Muthu and A. Jothi, Cargo Handling Workers under the Stevedores Association and workers of TSA (Labour Pool) were brought under a separate scheme called Tuticorin Port Trust Cargo Handling Labour Pool (TPTCHLP) to be operated by an Officer of the Port Trust from 1-1-2000. The four workers were continuously working from 1986 engaged as sweepers on daily wages. After the settlement dated 22-12-1999, they were engaged on yearly basis contract by the Respondent. Their job was perennial in nature. After 2003 they were continued without any written contract to continue. On a representation dated 15-12-2004 for on par treatment for them Respondent suddenly terminated them by letter dated 25-1-2005. They were then getting Rs. 1750 each per month. The termination was without notice. It is in violation of Government notification dated 9-12-1976 prohibiting employment of individual on contractual basis for sweeping. The workmen are deemed to be employees of the Respondent. The retrenchment is void ab initio apart from being an act of unfair labour practice. Hence the reference.

In the Counter Statement, the contentions raised are briefly as follows :

The existence of the Petitioner Union is denied. Other than 1132 Cargo Handling Workers no other contract workers are engaged. In view of the fact that TPTCHLP came into existence only on 1-1-2000, it is false to say that Cargo Handling Workers were under the employment of TPTCHLP for several years prior to 1-1-2000. So much so that settlement dated 6-1-1998 has no relevance. There was no claim by the workmen to be included as employees of TPTCHLP at the time of 12 (3) Settlement. TPTCHLP is a self-financing entity. After 2003, the workmen were issued with individual orders under the modified intergrated

contract for such works. Thereafter they did not become successful in getting the contract. Their contract thus automatically ceased to exist and it was not by termination. They were never paid wages except as Contractos. The Government notification is not applicable to them, it is also overruled as violative of Contract Labour Regulation Act. In 2004 their contract expired. The Respondent has no any contract workers on its rolls. The claim is only to be dismissed.

5. On the side of the Petitioner Union WW1 and WW2 were examined and Ex.W1 to Ex.W36 were marked and on the side of the Respondent MW1 was examined by way of affidavit in lieu of Chief Examination who does not stand cross-examined and no documents were marked.

6. Points for consideration are:

(i) Whether the claim of the Petitioner Union for reinstatement of the four workmen by the Management is legal and justified?

(ii) To what relief the concerned workmen are entitled to?

Point Nos. 1 & 2

7. The case of the Petitioner Union is that workers by name Mahakaliappan, Petchimuthu, M. Muthu and A. Jothi were not included in TPTCHLP i.e. Tuticorin Port Trust Cargo Handling Labour Pool though they were continuously working from 1986 as Sweepers on daily wages which work is of perennial nature. Their case is that ever since 1-1-2000, the date of formation of TPTCHLP, they were being engaged on yearly basis contract by the Respondent. Their further case is that after 2003 they were continued without any written contract to continue. Under a settlement dated 6-1-1998, the status of the employees under the Respondent was to be extended to the Cargo Handling Workers and Staff Members of the Stevedores Association (Labour Pool). The rival case of the Respondent is that there was no claim by the workmen to be included in TPTCHLP. They were contractors and when they became unsuccessful in getting the contract, the contract automatically ceased to exist which is not termination.

8. Though WW1 and WW2 have come to the box to depose their case and also have marked Ex.W1 to Ex.W36, their evidence oral or the documentary has not been of any effect to prove their contention. The evidence does not show that the four workmen have any status as that of an employee under the TPTCHLP or as any Casual Worker directly under the Respondent/Management. They are found to have only status of some Contractor as individual or under another with the responsibility to work under an agreement to work for a given period and for a given contract price. At no point of time, they could be found to be with any work of the nature or right whichever

blossomed into any work or right directly under the Respondent. On the side of the Respondent, MW1 was examined by way of Proof Affidavit filed in lieu of Chief Examination. The Petitioners have not availed any opportunity for cross-examining him. The evidence tendered by MW1 which is much against the claim of the petitioners does not stand shaken as to its worth and value. He has totally denied the four workmen as being under the service of the Respondent to merit reinstatement under the service of the Respondent.

9. The petitioners failed to project or place before this Tribunal any case as to their being casual workers under the Respondent for a long time or for the prescribed minimum period of time other than as contract workers to get established any valid right for reinstatement or to assail violation of any provision of the ID Act vis-a vis Section-25F. Therefore, they are not entitled to any relief much less the relief of reinstatement. The claim of the Petitioner Union is not legal and justified.

10. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open Court on this day, the 22nd December, 2009)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined :—

For the I Party/Petitioner :

WW1, Sri A. Mahakaliappan

WW2, Sri M. Murugan

For the II Party/Respondent :

None

Documents Marked :-

On the Petitioner's side

Ex.No.	Date	Description
Ex.W1	13-4-1995	Letter regarding Mr. Mahakaliappan
Ex.W2	23-2-1999	Letter by Respondent
Ex.W3	24-8-2001	Renewal of Mahakaliappan for 30-8-2001 to 29-8-2002
Ex.W4	22-8-2002	Renewal of the above said for 30-8-2002 to 29-8-2003
Ex.W5	25-8-2003	Renewal of the above said for 30-8-2003 to 29-8-2004
Ex.W6	30-12-1999	Pay slip of Mahakaliappan
Ex.W7	29-7-2000	Pay slip of Mahakaliappan
Ex.W8	29-3-2001	Pay slip of Mahakaliappan
Ex.W9	29-5-2002	Pay slip of Mahakaliappan
Ex.W10	29-7-2002	Pay slip of Mahakaliappan

Ex.W11	12-99	Representation by Mahakaliappan	workers work period from 30-8-2002 to 29-8-2003
Ex.W12	4-1-2004	Representation by Mahakaliappan	Ex.W34 25-1-2005 Termination order of Petchimuthu
Ex.W13	1-10-2004	Representation by all workers	Ex.W35 25-1-2005 Termination order of Jothi
Ex.W14	9-10-2004	Tender Notice	Ex.W36 - Counter filed by the Respondent
Ex.W15	18-1-2005	Order passed by the Hon'ble High Court preferred by Mahakaliappan	On the Management's side
Ex.W16	25-1-2005 7-6-2005	Termination order of Mahakaliappan 2 (K) Petition	Ex. No. Date Description Nil
Ex.W17	30-8-2000	Engagement of Petchimuthu for the period from 30-8-2000 to 29-8-2001	नई दिल्ली, 8 जनवरी, 2010
Ex.W18	24-8-2001	Renewal of above said for 30-8-2001 to 29-8-2002	का. आ. 395.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कैनरा बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय 1, दिल्ली के पंचाट (संदर्भ संख्या 1/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-1-2010 को प्राप्त हुआ था।
Ex.W19	22-8-2002	Renewal of above said for 30-8-2002 to 29-8-2003	[सं. एल-12012/166/2004-आई. आर. (बी-II)]
Ex.W20	28-8-2003	Renewal of above said for 30-8-2003 to 29-8-2004	यू. एस. पाण्डेय, डेस्क अधिकारी
Ex.W21	-	Entry card given to Petchimuthu	New Delhi, the 8th January, 2010
Ex.W22	30-8-2000	Engagement of Mrs. Muthu for a period from 30-8-2000 to 29-8-2001	S. O. 395.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/2005) of the Central Government Industrial Tribunal/Labour Court -I, Delhi now as shown in the annexure in Industrial Dispute between the employees in relation to the management of Canara Bank and their workmen, which was received by the Central Government on 8-1-2010.
Ex.W23	24-8-2001	Renewal of above said for 30-8-2001 to 29-8-2002	[No. L-12012/166/2004-IR (B-II)]
Ex.W24	22-8-2002	Renewal of above said for 30-8-2001 to 29-8-2003	U. S. PANDEY, Desk Officer
Ex.W25	28-8-2003	Renewal of above said for 30-8-2003 to 29-8-2004	ANNEXURE
Ex.W26	29-7-2002	Letter about her wages by the Respondent	BEFORE DR. R. K. YADAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, KARKADOOMA COURT COMPLEX, DELHI
Ex.W27	22-8-2002	Renewal of Mrs. A. Jothi for a period of 30-8-2002 to 29-8-2003	I. D. No. 1/2005
Ex.W28	28-8-2003	Renewal of the above said for 30-8-2003 to 29-8-2004	Rajinder Prased S/o Shri Makhan Lal, R/o V.P.O. Patli, Teh. and Distt. Gurgaon (HR) Gurgaon.
Ex.W29	29-5-2002	Pay slip of PetchimuthuWorkmen
Ex.W30	29-7-2002	Pay slip of Mrs. Muthu	Versus
Ex.W31	29-7-2002	Pay slip of Mrs. Muthu	The General Manager, Canara Bank, Section, P and I Wing, Head Office, 112, J. C. Road, Bangalore- 560002
Ex.W32	29-7-2002	Pay slip of Mrs. Jothi	
Ex.W33	7-8-2003	Renewal of all above saidManagement

AWARD

Employment was given by erstwhile Lakshmi Commercial Bank to Rajinder Prasad as a peon on 16-3-78. The said bank was taken over by the Canara Bank in 1985. Rajinder Singh became an employee of the Canara Bank. He was posted at Gurdwara Road branch of the bank. On 13th of December, 97 he was arrested by the police of Police Station Old Faridabad, Haryana, in case FIR No.682 registered on 7th of December, 97 for offences punishable Under Section 420, 467, 468, 471, 120B read with section 511 of the Penal Code. He remained in police custody for 5 days and thereafter he was remanded to judicial custody. He remained in custody for 20/22 days. He moved an application for leave on 20-1-98 for the period w.e.f. 13-12-97 to 17-1-98 on the ground of ailment of his wife. His leave was sanctioned vide letter dated 27th of January, 98. He was promoted as probationary clerk w.e.f. 5th of July, 99 and was transferred to Haily Mandi branch of the bank on 16th of August, 99. Later on bank came to know about his arrest and detention in custody. He was suspended and a charge sheet was served upon him on 19th of January, 2000. A departmental enquiry was initiated and he was dismissed from the services on 20-6-2000. He preferred an appeal which came to be dismissed on 29th of October, 2001. He filed a writ petition in High Court of Punjab & Haryana, which was dismissed on 19-8-2003, relegating Rajinder Singh to avail remedy under the Industrial Disputes Act, 1947 (in short the Act). Accordingly he raised a claim before the Conciliation Officer. Since Conciliation proceedings failed, the dispute was referred to this Tribunal by the appropriate Government under clause (d) of sub-section (1) of Section 10 of the Act, vide order No.L -12012/166/2004-IR(B-II) dated 21-12-2004, with following terms:-

“Whether the action of the management of Canara Bank in dismissing Shri Rajinder Prasad S/o Shri Makhan Lal, Probationary Clerk from service vide proceedings dated 20-6-2000 is just and legal? If not, what relief the workman is entitled to?

2. Claim was filed by Rajinder Prasad, pleading therein that he rendered seven years meritorious service to the management bank, in recognition of which he was promoted as probationary clerk on 5th of July, 99. He was transferred to Haily Mandi branch of the bank on 16-8-99. He projects that he had not committed any misconduct. According to him, he applied for 39 days leaves w.e.f. 13-12-97 to 17-1-98. As a co-incident, during that period he was taken under police custody for a few days, concerning investigation of case FIR 682 of 1997, registered at police station Old Faridabad, at the instance of one Surender Kumar. His leave application was granted by the bank. Thereafter false and frivolous allegations were leveled against him to the effect that while working at Gurgaon branch of the bank he applied for 36 days privilege

leave w.e.f. 13-12-97 to 17-1-98, on the ground of sickness of his wife, which leaves were sanctioned. However, it came to light that he remained in police custody/judicial custody during that period and as such he availed leave on false ground, by suppressing factum of his detention in police/judicial custody. He submitted his explanation vide letter dated 25-2-2000, which was found not satisfactory. Shri D.K. Sandhir was appointed as Enquiry Officer, while Shri P. Naqvi was appointed as presenting officer. First sitting of the enquiry was conducted at Karnal on 22-3-2000, while second sitting took place at Chandigarh Office on 5-4-2000. He claims that charges were not proved against him in that enquiry. He never acted in contravention of any statutory or mandatory provisions, which may constitute misconduct. According to him enquiry conducted against him was illegal, in violation of principles of natural justice and void ab-initio. Enquiry Officer submitted his report dated 2-5-2000 and his dismissal order was passed in violations of principles of natural justice. Appellate Authority also rejected his appeal. He assails findings reached by the Enquiry Officer and action of the Disciplinary Authority, besides rejection of his appeal.

3. According to him, he applied leave for 36 days which was sanctioned by the management bank. During the currency of his leave, he was taken in police custody for a few days, which was a co-incident. He has not committed any misconduct in that regard. Since management has accepted his leave application as well as medical certificate tendered alongwith it, the bank cannot run behind saying that the leave application was filed on false assertions and frivolous ground. The doctor, who issued medical certificate for illness of his wife, was not examined. There was no breach of confidence and he was not required to inform his employer about his detention in police/judicial custody. The Enquiry Officer had not explained the procedure, which was to be adopted by him. Charge sheet was not read over to him either at the time of first sitting or in the second sitting. When he pleaded not guilty to the charge, it was incumbent upon the Enquiry Officer to postpone it to a future date. List of management witnesses was not supplied to him. Copy of the complaint, which became matter of the enquiry, was not supplied. Assistance of a co-worker was not given to him. Subsistence allowance was not paid to him as per rule, thereby, creating an artificial economic hardship. Enquiry was conducted in two sitting at Karnal and Chandigarh, to keep him in a frightened state of mind. Therefore free and impartial atmosphere was not provided to him. Neither he was ever asked to produce his defence nor sufficient opportunity was given to him for that purpose. He projects that on these grounds the enquiry stands vitiated.

4. Next prong of attack was made by him pleading that the Disciplinary Authority as well as the Appellate Authority have not applied their mind to the facts of the case. According to him penalty imposed was unwarranted

and violative of the provisions of Article 14 and 16 of the Constitution of India. He presents that mere his custodial interrogation would not suggest that he has committed any misconduct, in relation to the case in which he was arrested. He claimed that domestic enquiry conducted may be declared as null and void ab initio and dismissal order dated 20-6-2000 be termed as illegal and uncalled for. He seeks reinstatement in the employment with retrospective effect, back wages, continuity or service with all consequential benefits.

5. The management demurred his claim, pleading that the workman applied for leave from 13-12-97 to 17-1-98 on the ground of alleged sickness of his wife, whereas in fact he remained in police custody from 13-12-97 to 17-12-97, in a criminal case registered on 7-12-97 at police station Old Faridabad, Haryana. He was arrested by the police on 13-12-97 itself. To mislead the bank, he moved an application on alleged sickness of his wife. Since bank was not aware of true facts his leaves were sanctioned vide order dated 27-1-98. When bank came to know about his misconduct, he was suspended and proceeded departmentally. A charge sheet was served upon him on 19-1-2000. It was denied that departmental enquiry was in violation of principles of natural justice. Bank refutes the claim of the workman that no reasonable opportunity was given to him to defend himself. During the course of enquiry, the enquiry officer questioned him as to whether he understood the contents of the charge sheet, which proposition was replied by him in affirmative. He was given an opportunity to take assistance of a co-worker, to defend himself. Subsistence allowance was paid to him at the rate of 30% of his pay for first 3 months and @ one half of his pay for the balance period. T. A. was given to him when he attended enquiry proceedings at Karnal and Chandigarh. Enquiry was conducted in Karnal and Chandigarh with mutual consent of the parties. Since bank's evidence was concluded and the claimant projected that he has no defence to make, the enquiry was finalised in the second sitting. It has been denied that the Enquiry Officer had not permitted him to cross-examine the witness or to project his case. Management disputes that the Disciplinary Authority and the Appellate Authority had not applied their mind to the facts of the controversy. It is denied that the workman was under no obligation to unfold facts regarding his detention in police/judicial custody. Since he committed a grave misconduct, the punishment awarded to him was commensurate to his guilt. No violation of principles of natural justice or provisions of Articles 14 and 16 of the Constitution has been brought over the record. Claimant is not entitled for any relief.

6. On perusal of the pleadings following preliminary issue was settled:

“Whether enquiry conducted by the management was fair and proper?”

7. Workman entered the witness box to unfold facts, Shri D. K. Sandhir, the Enquiry Officer, also entered the witness box to project the case of the management. No other witness was examined by either of the parties.

8. Preliminary issue was answered in favour of the management and against the workman vide order dated 10th of August, 2009.

9. Parties were heard as to whether the punishment awarded to the workman was commensurate to his misconduct. Shri J. Buther authorised representative, raised submissions on behalf of the workman. Shri Rajat Arora authorized representative, presented his point of view on behalf of the management. My findings on that proposition as well as those which are referred for adjudication are as follows.

10. First and foremost contention advanced by Shri Buther is that the charges against the workman were that he availed leave on false ground by suppressing factum of his detention in police/judicial custody. Vide his order dated 20-6-2000 punishment of dismissal from service was imposed upon him. It has been contended that the Disciplinary Authority did not consider as to how punishment of dismissal was just, reasonable and rational. Shri Buther argued that the order of the Appellate Authority which is dated 19-10-2001, simply state that punishment awarded was proportionate to the charges. The Appellate Authority differentiated the precedents relied on by the workman. However it had not given reason as to why his dismissal was proportionate to his misconduct. It has been agitated that the workman joined the management bank as sub staff on 6-4-92 and was promoted in clerical cadre on 5-7-99. His meritorious service of 7 years led the bank to promote him to the clerical cadre. Criminal case launched against him resulted in his acquittal. Shri Buther argued that false ground of leave is not such a grave misconduct which may warrant dismissal, thereby depriving source of livelihood of the workman. He contends that meritorious service rendered by the workman was not taken into account and misconduct of speaking lie and seeking leave on false ground will not justify punishment of dismissal. Contra to it Shri Arora argued that the workman was arrested by police of police station Old Faridabad on the evening of 12-12-1997, in case FIR No. 682/97 registered for offence punishable under section 420, 467, 468, 471, 120B and 511 of the Penal Code. He remained in police custody upto 17-12-97 and thereafter was remanded to judicial custody and remained in jail for 20-22 days. He applied for privilege leave for 36 days from 13-12-97 to 17-1-98 vide his letter dated 20-1-98 on the ground of sickness of his wife. He presents that his leave was sanctioned vide proceedings dated 27-1-98. However, factum of his arrest and detention in police as well as judicial custody came to light subsequently. He presents that since the workman remained away from his duties on account of his arrest and detention

in the said criminal case it was incumbent upon him to inform his employer about that fact. Instead of informing his employer about his arrest and detention he tried to justify his leave of absence on the ground of sickness of his wife. The employer believed the workman and granted leaves to him. Subsequently when it came to light that he was detained in jail and opted not to inform his employer about his detention in the said case, charge sheet was served upon him. He presents that bank is a service industry where services are rendered to its customers. Faith and confidence are of utmost importance for employees of the bank to render effective service to its customers. When employee opts to conceal factum of his arrest and detention in a criminal case he takes his employer to ransom by concealing those facts. His conduct makes him unworthy of reliance and the employer loses confidence in him. An employee handles money of the customer of the bank and in case he is not trustworthy then he may put the bank to loss and harm its reputation. It was contended by Shri Arora that when confidence was lost by the bank in the workman, under these circumstances punishment of dismissal from service was justified.

11. Right of an employer to inflict punishment of discharge or dismissal is not unfettered. The punishment imposed must be commensurate with gravity of the misconduct, proved against the delinquent workman. Prior to enactment of section 11-A of the Act, it was not open to the industrial adjudicator to vary the order of punishment on finding that the order of dismissal was too severe and was not commensurate with the act of misconduct. In other words, the industrial adjudicator could not interfere with the punishment as it was not required to consider propriety or adequacy of punishment or whether it was excessive or too severe. Apex Court, in this connection, had however laid down in *Bengal Bhatdee Coal Company* [1963 (1) LLJ 291] that where order of punishment was shockingly disproportionate with the act of the misconduct which no reasonable employer would impose in like circumstances, that itself would lead to the inference of victimization or unfair labour practice which would vitiate order of dismissal or discharge. But by enacting the provisions of section 11-A of the Act, the Legislature has transferred the discretion of the employer, in imposing punishment, to the industrial adjudicator. It is now the satisfaction of the industrial adjudicator to finally decide the quantum of punishment for proved acts of misconduct, in cases of discharge or dismissal. If the Tribunal is satisfied that the order of discharge or dismissal is not justified in any circumstances on the facts of a case, it has the power not only to set aside order of punishment and direct reinstatement with back wages, but it has also the power to impose certain conditions as it may deem fit and also to give relief to the workman, including award of lesser punishment in lieu of discharge or dismissal.

12. It is established law that imposing punishment for a proved act of misconduct is a matter for the punishing authority to decide and normally it should not be interfered

with by the Industrial Tribunals. The Tribunal is not required to consider the propriety or adequacy of punishment. But where the punishment is shockingly disproportionate, regard being had to the particular conduct and past record, or is such as no reasonable employer would ever impose in like circumstance, the Tribunal may treat the imposition of such punishment as itself showing victimization or unfair labour practice. Law to this effect was laid by the Apex Court in *Hind Construction and Engineering Company Labour* [1965 (1) LLJ 462]. Likewise in *Management of the Federation of Indian Chambers of Commerce and Industry* [1971 (II) LLJ 630] the Apex Court ruled that the employer made a mountain out of a mole hill and had blown a trivial matter into one involving loss of prestige and reputation and as such punishment of dismissal was held to be unwarranted. In *Ram Kishan* [1996 (1) LLJ 982] the delinquent employee was dismissed from service for using abusive language against a superior officer. On the facts and in the circumstances of the case, the Apex Court held that the punishment of dismissal was harsh and disproportionate to the gravity of the charge imputed to the delinquent. It was ruled therein, "when abusive language is used by anybody against a superior, it must be understood in the environment in which that person is situated and the circumstances surrounding the event that led to the use of abusive language. No straight-jacket formula could be evolved in adjudicating whether the abusive language in the given circumstances would warrant dismissal from service. Each case has to be considered on its own facts".

13. In *B.M. Patil* [1996 (11) LLJ 536], Justice Mohan Kumar of Karnataka High Court observed that in exercise of discretion, the disciplinary authority should not act like a robot and justice should be moulded with humanism and understanding. It was assess each case on its own merit and each set of fact should be decided with reference to the evidence recording the allegation, which should be basis of the decision. The past conduct of the worker may be a ground for assuming that he might have a propensity to commit the misconduct and to assess the quantum of punishment to be imposed. In that case a conductor of the bus was dismissed from service for causing revenue loss of 50p to the employer by irregular sale of tickets. It was held that the punishment was too harsh and disproportionate to the act of misconduct.

14. After insertion of Section 11-A of the Act, the jurisdiction to interfere with the punishment is there with the Tribunal, who has to see whether punishment imposed by the employer is commensurate with the gravity of the act of misconduct. If it comes to the conclusion that the misconduct is proved, it may still hold that the punishment is not justified because misconduct alleged and proved is such as it does not warrant punishment of discharge or dismissal and where necessary, set aside the order of discharge or dismissal and direct reinstatement with or

without any terms or conditions as it thinks fit or give any other relief, including the award of lesser punishment, in lieu of discharge or dismissal, as the circumstance of the case may warrant. Reference can be made to a precedent in *Sanatak Singh* (1984 Lab. I.C.817). The discretion to award punishment lesser than the punishment of discharge or dismissal has to be judiciously exercised and the Tribunal can interfere only when it is satisfied that the punishment imposed by the management is highly disproportionate to the decree of the guilt of the workman. Reference can be made to the precedent in *Kachraji Motiji Parmar* (1994 (II) LLJ 332). Thus it is evident that the Tribunal has now jurisdiction and power of substituting its own measure of punishment in place of the managerial wisdom, once it is satisfied that the order of discharge or dismissal is not justified. On facts and in the circumstances of a case, Section IIA of the Act specifically gives two folds powers to the Industrial Tribunal, first is virtually the power of appeal against findings of fact made by the Enquiry Officer in his report with regard to the adequacy of the evidence and the conclusion on facts and secondly of foremost importance, is the power of reappraisal of quantum of punishment.

15. Power to set aside order of discharge or dismissal and grant relief of reinstatement, or lesser punishment is not untrammelled power. This power has to be exercised only when Tribunal is satisfied that the order of discharge or dismissal was not justified. This satisfaction of the Tribunal is objective satisfaction and not subjective one. It involves application of the mind by the Tribunal to various circumstances like nature of delinquency omitted by the workman, his past conduct, impact of delinquency on employer's business, besides length of service rendered by him. Furthermore, the Tribunal has to consider whether the decision taken by the employer is just or not. Only after taking into consideration these aspects, the Tribunal can upset the punishment imposed by the employer. The quantum of punishment cannot be interfered with without recording specific findings on points referred above. No indulgence is to be granted to a person, who is guilty of grave misconduct like cheating, fraud, misappropriation of employers fund, theft of public property etc. A reference cannot be made to the precedent in *Bhagirath Mal Rainwa* (1995(1) LLJ 960).

16. Now I would turn to the facts of the present controversy, in order to assess as to whether punishment of dismissal awarded to the workman was commensurate to his misconduct. As emerge out of the record, *Rajinder Prasad* joined the erstwhile *Lakshmi Commercial Bank* as a sub staff on 16th of March, 78. The said bank was taken over by the *Canara Bank* in 1985 and *Rajinder Prasad* became an employee of the management bank. He was promoted as a probationary clerk on 5th of July, 1997. On 16th of August, 99 he was transferred to *Haily Mandi branch* of the bank. However while posted at *Gurdwara Road*,

Gurgaon branch of the bank, he was arrested by the police of police station *Old Faridabad* on 13-12-97 in case FIR No. 682 of 1997, registered for offences punishable under Section 420, 467, 468, 471, 120B read with Section 511 of the Penal Code. He remained in police custody for 5 days and thereafter was remanded to judicial custody. He remained in custody for about 20-22 days. On 20-1-98, he moved in application for leave for 36 days for the period w.e.f. 13-12-97 to 17-1-98, on the ground of ailment of his wife. His leave was sanctioned vide letter dated 27-1-98. His promotion relates to a period, which occurred after his arrest, detention in police custody and moving application for privilege leave on false ground of ailment of his wife.

17. Admittedly the management bank is a service industry which caters financial needs of its customers, handles their money in saving, current and fixed deposit accounts etc., issues negotiable instruments at their request, accepts negotiable instruments for its customers and makes advance of loan to them. Customers repose faith and confidence in a particular banks, before banking with it. In case that faith and confidence withers away, the customer will not deal with bank, which will have prejudicial effect on bank's business. Consequently a banking company has to maintain standards of its ethics and service, to serve its customers in a better manner. Employees of the bank have to adhere to high standards of conduct and work culture. Bank has also to maintain faith and confidence in its employees, with a view to inculcate work culture; efficiency, honesty, sincerity and devotion to duties. They have to maintain their work and conduct as punctilio of higher code in order to give efficient service to its customers and that too to their satisfaction.

18. *Rajinder Prasad* served the Bank as a sub staff. He was arrested in a case of forgery and cheating relating to the business transactions of a bank. He opted not to inform his employee when a criminal case was lodged against him at police station old Faridabad, Haryana. Involvement of a bank employee in a criminal case like forgery and cheating may project to its customers that it is not safe to deal with that Bank. Not only that a criminal case was registered against him, he was arrested and detained by the police. His arrest was found to be well founded by the Magistrate, when he was produced before him. He was remanded to police custody, for five days and subsequently sent to judicial custody. He remained in custody, for a period of 20-22 days. These facts are suggestive that accusation against *Rajinder Prasad* were alarming in nature. Bail was not granted to him for a considerable long period. On being released on bail he concealed those facts from his employer. He moved an application for grant of privilege leave for 36 days on a false ground of ailment of his wife. He was believed and his leaves were sanctioned. Later on Bank came to know about falsity in grounds of getting the leaves sanctioned and *Rajinder Prasad* was charge Sheeted. Question for consideration comes as to whether bank can

repose confidence in such an employee. Answer lies negative. The circumstances in which Rajinder Prasad was arrested and detained and those which led to moving of application for privilege leave are suggestive that Rajinder Prasad had not been true in his dealing with his employer. Instead of informing his employer about his arrest and detention in jail, he misrepresented facts and claimed that for a long period his wife was ill. These facts are suggestive that he is not man on whom confidence can be reposed. Therefore, it is a case of loss of confidence. Since Rajinder Prasad was holding a position of trust, it would be dangerous and harmful for the bank to have such an employee in its service. Therefore, it is evident that the circumstances surrounding the case are not such where reinstatement of Rajinder Prasad can be ordered.

19. Whether this Tribunal can proceed with the proposition that dismissal of Rajinder Prasad can be converted into a punishment of discharge simplicitor. For an answer, one has to scan the facts again. Rajinder Prasad joined service of the bank on 16-3-78. He rendered services with the management bank in blameless manner till December, 1997. Therefore, for about two decades Rajinder Prasad gave no chance of complaint to his employer. In December, 97 he was arrested which fact was concealed by him. He prompted his employer to sanction privilege leave to him on a false ground. His misconduct resulted in loss of service. Now Rajinder Prasad is jobless and has to maintain his family in a stage of penury. These circumstances make me to think that at least he should have retiral benefits, so that he may be able to meet his two ends. Order of dismissal would operate too harsh and will obliterate entire tenure of his service. Consequently, these circumstances persuade me to think that punishment of discharge simplicitor would meet the ends of justice. Accordingly the management is directed/ordered to substitute the punishment of discharge simplicitor against the punishment of dismissal awarded to workman, Shri Rajinder Prasad. An award is accordingly passed.

Dated: 27-11-09

Dr. R. K. YADAV, Presiding Officer

नई दिल्ली, 12 जनवरी, 2010

का. आ. 396.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ओरियंटल बैंक आफ कामर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय 1, दिल्ली के पंचाट (संदर्भ संख्या 41/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-1-2010 को प्राप्त हुआ था।

[सं. एल-12012/88/2006-आइ. आर. (बी-II)]

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 12th January, 2010

S. O. 396.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 41/2007) of the Central Government Industrial Tribunal/Labour Court-I, Delhi now as shown in the annexure in Industrial Dispute between the employees in relation to the management of Oriental Bank of commerce and their workmen, which was received by the Central Government on 12-1-2010.

[No. L-12012/88/2006-IR (B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

BEFORE DR. R. K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
NO. I, KARKADOOMA COURT COMPLEX DELHI

I. D. No. 41/2007

Balraj Singh,
S/o Shri Munshi Ram,
Vill. Baghwali Gali, Vijay Nagar,
Jhajjar Road, Rohtak.

Workmen

Versus

The Assistant General Manager,
Oriental Bank of Commerce,
232, Model Town, Rohtak,
Rohtak.

Management

AWARD

Oriental Bank of Commerce reimburses expensed incurred by their Regional Heads/ Executives on personal drivers engaged by them. Shri S. K. Sharma, A.G.M. engaged Balraj Singh as his personal driver. Balraj Singh served Shri S. K. Sharma till 30th of November, 2005. When his services were disengaged, he raised a demand with the Bank claiming his reinstatement. When Bank refused to engage him as driver, he raised an industrial dispute before the Conciliation Officer. Since conciliation proceedings failed, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. L-12012/88/2006-IR (B-II) New Delhi, dated 3rd of May, 2007, with the following terms:—

“Whether the action of the management of Oriental Bank of Commerce, Rohtak in terminating the services of the workman Balraj Singh S/o Munshi Ram w.e.f. 30-11-05 is just and legal? If not, to what relief the workman is entitled?”

2. Claim statement was filed by Shri Balraj Singh, pleading therein that he was appointed as a driver by the management bank on 4-2-2003 at a monthly salary of Rs.2700. He served the management bank till 30-11-05. His services were dispensed with without assigning any

reason. At the time of termination of his services he was drawins Rs. 3000 PM as his wages. He had completed more than 240 days of continous service in a calendar year and as such became an industrial employee. No notice or pay in lieu thereof was tendered to him, at the time of termination of his services. No retrenchment compensation was paid to him. Juniors to him are still working with the management bank. Principle of last come and first go was not followed by the bank. The bank contravened the provious of section 25-F, 25-G, and 25-H of the Industrial Disputes Act, 1947 (in short the Act). He claims reinstatement in the services of the bank with continuity and full back wages.

3. Contest was given to his claim statement by the management bank, pleading that Balraj Singh was engaged as a personal driver by Shri S.K.Sharma, Ex-General Manager of the Bank. Balraj Singh was never appointed by the Bank. He never signed any attendance register nor made any correspondence with the Bank. The Bank reimburses expenses incurred by the Regional Heads/ Executives in respect of personal drivers engaged by them. This arrangement nowhere create relationship of master and servant between the bank and the claimant. The bank follows its own recruitment policy and guidelines. Employees are selected on the basis of test and interview, besides educational qualification for a particular post. Claimant never fulfilled such qualification and is not entitled to any relief. It has been pleaded that as per circular dated 14-2-81 the bank considered the case of regularization/ absorption of personal drivers of the Regional Heads/ Executives, who had put in four years service. However, vide letter dated 23-6-97, Government of India had instructed the bank not to absorb any personal driver on the basis of the aforesaid circular. Claimant had put in less than four years service as a personal driver and was not entitled for absorption at all. It has been pleaded that since there was no relationship of employer and employee between the parties, it was not incumbent upon the management bank to adhere to the provisions of the Act. The claimant is not entitled for the relief claimed.

4. On the basis of the pleadings following issues were settled.

1. Whether Shri Balraj Singh was working as personal driver to Shri S. K. Sharma, Ex-General Manager?

2. As in terms of reference?

3. Relief.

5. Balraj Singh (WW1) and Ashok Sikka (WW2) were examined on behalf of the claimant. Shri R. K. Gogia, Assistant General Manager was examined on behalf of the management. No other witness was examined by either of the parties.

6. Arguments were heard at the bar. The workman had filed written submissions in the matter. Shri Rajat Arora, authorized representative, raised his oral submissions on behalf of the management. I have given

my careful considerations to the arguments advanced at the bar and cautiously perused the record. My findings on the above issues are as follows:

Issue No. 1

7. Though in his affidavit Balraj Singh swears that he was appointed by the management bank on 4-2-2003 as a driver at a monthly salary of Rs. 2700, yet he admits in his cross examination that neither he moved any application to the bank for his appointment nor any appointment letter was issued to him. He concedes that application Ex. WW1/M1 bears his photograph and signatures. He further concedes that till he served as a driver, no communication was ever addressed to him by the bank. When Ex. WW1/M1 was perused, it came to light that this application was addressed by Shri Balraj Singh to Shri S. K. Sharma, seeking an opportunity to serve him as his personal driver. Balraj Singh mentioned in the application that he was having 16 years experience as a driver. He came to know that he (Sharma) was in need of a personal driver. He gave his bio data in the application and requested Shri Sharma to accord him an opportunity to serve him. Therefore, contents of Ex. WW1/M1 makes it clear that Balraj Singh sought an appointment from Shri Sharma as his personal driver. Workman concedes in his cross examination that document Ex. Mark A-1 to A7 do not bear his name or signatures. These documents highlight that reimbursement of expenses were made to Shri S. K. Sharma, when he went to Noida, Chandigarh, Gurgaon, Karnal, Panipat and Kaithal for attending meetings.

8. Ashok Sikka was examined by the workman to prove documents Ex. WW2/1 to Ex. WW2/59. These documents are attested copies of vouchers, salary statements and attendance sheets of the employees at Rohtak branch of the bank. Shri Sikka testified in unequivocal words that Balraj Singh was not an employee of the management bank from February, 2003 to January, 2005. He admits that the aforesaid documents do not relate to the workman. No payment was made to him on the strength of the documents referred above. Therefore, it emerges over the record that by way of examination of Shri Ashok Sikka, the workman gave an axe blow on his leg.

9 Documents EX. WW2/1 to EX. WW2/20 highlight that payments were released to Shri S. K. Sharma, in respect of reimbursement of salary of his personal driver. Ex. WW2/21 to Ex. WW2/38 project that salary was paid to the workman by Shri S. K. Sharma, Assistant General Manager, when he worked as a driver on bank's car No. DL3CU 3384. Therefore, these documents go to establish that the workman drove aforesaid car of the bank and salary was paid to him by Shri S. K. Sharma, A. G. M. for the month of February, 2003 till the month of November, 2005. Ex. WW2/39 to Ex. WW2/47 are salary sheets of the employees working at inspectorate branch Rohtak of the management bank. When these salary sheets are closely scanned it

came to light that name of the claimant does not appear in either of these salary sheets. Ex.WW2/48 to Ex.WW2/59 are attendance sheets of the employees working in the aforesaid branch of the bank. Name of the claimant does not appear in these attendance sheets too. Therefore, out of the documents referred above it stands crystallised that neither claimant was an employee of the bank nor any salary was ever released in his favour. He never marked his attendance in attendance register nor his name ever appeared in payment scroll. His wages were released by Shri S. K. Sharma, for driving the bank car DL3CU 3384. He was an employee of Shri S. K. Sharma, to whom an application for appointment was made by the claimant, which is Ex.WW1/M1.

10. R. K. Gogia swears in his affidavit that the claimant was not an employee of the management bank. No relationship of employer and employee existed between the claimant and the bank. During the course of his cross examination he highlights that workman was appointed as driver by Shri S. K. Sharma on 1-2-2003. He used to drive car No. DL3CU 3384, which vehicle belonged to the bank. He presents that AGM was entitled for staff car facility from the bank, which vehicle was provided by the bank and being driven by his personal driver. Wages of the driver upto 3000 PM were being reimbursed to Shri Sharma, by the bank. He admits that bills Ex.MW1/W1 to Ex. MW1/W16 relate to the aforesaid vehicle. When these documents are perused, they go to show that the said vehicle was being driven by claimant. Therefore, out of the facts deposed by the officers of the management as well as claimant, it came to light that the claimant used to drive the bank's vehicle, in the capacity of personal driver of Shri S. K. Sharma, A.G.M. Bank used to reimburse expenses incurred by Shri S. K. Sharma, on salary of his personal driver. No evidence has come over the record that there were employer and employee relationship between the claimant and the management bank.

11. When claimant was employed as a personal driver by Shri Sharma, expenses incurred by the latter on wages of the former were being reimbursed by the bank. In that situation the claimant was having no nexus with the management bank. The mere fact that he used to drive the vehicle of the bank for Shri S. K. Sharma, could not establish any relationship of employer and employee between the claimant and the management bank. With such a proposition Apex Court was confronted in Ghulam Dastgir, (AIR 1978 SC 481). In that case Area Manager of nationalized bank was being given personal allowance by the bank to enable him to employ personal driver of his own. The jeep which was being driven by the driver belonged to the bank. Its petrol and oil requirements and maintenance were within the financial responsibility of the bank. There was no evidence to the effect that the driver was employed by the bank and was under directions and control of the bank. There was also no evidence that his salary was paid by the bank. Considering all these aspects the Apex Court ruled that there was no case of camouflage and sham contract, when driver was engaged by the Area

Manager. There existed no control and supervision over the driver by the bank, which fact negated existence of relationship of employer and employee between the parties. Nothing unusual was noticed by the Apex Court when the bank gave allowance to its officer for engaging services of a personal driver. The said precedent is squarely applicable to the present controversy.

12. Ghemarbhai Harjibhai Rabari [2005(2)LLJ 475] presents a situation when a personal driver engaged by the Executive of Bank of Baroda was held to be an employee of the bank. In that case, the driver produced three vouchers which showed that he had been paid certain sums of money towards his wages and the said amount has been debited to the account of the bank. The bank could not rebut those vouchers. Signatures of the driver were also there on the register maintained by the bank. These facts led the Apex Court to conclude that relationship of employer and employee existed between the driver and the bank.

13. Here in the present controversy, the claimant could not show that his wages were paid by the bank or his name appeared in the attendance register or payment scroll maintained by the bank. On the other hand, the claimant moved an application to seek a job with Shri S. K. Sharma, to serve as his personal driver. Hence precedent in Ghulam Dastgir (supra) is applicable to this case. Relying the said precedent and on consideration of the facts of the present controversy it is concluded that the claimant was working as a personal driver to Shri S. K. Sharma, A.G.M. of the bank. There existed no relationship of employer and employee between the claimant and the management bank. The issue is, therefore, answered in favour of the management and against the claimant.

Issue No. 2

14. Since there existed no relationship of employer and employee between the claimant and the bank, termination of services of the claimant by Shri S. K. Sharma, nowhere violates the provisions of the Act. It cannot be said that the claimant was a industrial employee and he was a workman within the meaning of clause (s) of Section 2 of the Act. It cannot be said that dispensation of his services amounted to retrenchment within the meaning of clause (oo) of Section 2 of the Act. Under these circumstances provisions of Section 25-F, 25-G and 25-H of the Act nowhere come for rescue of the claimant. He is not entitled to any relief from the bank:

Relief

15. Since the claimant was not an employee of the management bank, he cannot put forward any claim against it. He is not entitled to any relief much less the relief of reinstatement in service. His claim is liable to be rejected and the same is, therefore, rejected. Award is accordingly passed. It be sent to the appropriate Government for its publication.

Dr. R. K. YADAV, Presiding Officer

Dated 30-12-2009

नई दिल्ली, 13 जनवरी, 2010

का.आ. 397.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट (संदर्भ संख्या 51/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-1-2010 को प्राप्त हुआ था।

[सं. एल-12011/32/2004-आईआर(बी-II)]

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 13th January, 2010

S.O. 397.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 51/2004) of the Central Government Industrial Tribunal Luknow now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 13-1-2010.

[No. L-12011/32/2004-IR (B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, LUKHNOW

PRESENT: N. K. Purohit, Presiding Officer

I. D. No. 51/2004

Reference No. L-12011/32/2004-IR(B-II)
dated: 3-6-2004

BETWEEN

The General Secretary,

Central Bank Worker's Organisation

C/o Central Bank of India, Meston Road

Kanpur-208001

AND

The Regional Manager,

Central Bank of India

Regional Office 1st Floor, Palika Bazar

Deoria

AWARD

30-12-2009

1. By Order No. L-12011/32/2004-IR(B-II) dated 3-6-2004 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the

Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between the General Secretary Central Bank Workers Organization, C/o Central Bank of India, Meston Road, Kanpur and the Regional Manager, Central Bank of India, Regional Office, 1st Floor, Palika Bazar, Deoria for adjudication.

2. The reference under adjudication is as under:

"Whether the Demand of the Central Bank Workers Organisation 9UPO for Promoting Shri Rajesh Kumar, Head Cashier E To the Post of Programmer-Cum-Operator W.e.f. 1-12-1995 is Legal And Justified? If So, What Relief Shri Rajesh Kumar is entitled to?"

3. The case of the workman's union, in brief, is that the workman, Rajesh Kumar, presently posted as Head Cashier 'E' had applied for the post of Programmer-cum-Operator in terms of qualification criteria vide vacancy Circular dt. 12-1-1995 which was later relaxed vide circular dt. 23-2-1995. It has been alleged by the union that after relaxation of eligibility criteria the Bank management not only allowed certain candidates, who were ineligible for said vacancy, for test and interview but declared the successful and included their names in the merit list above the name of the workman. It has been submitted by the workman's union that the management of the Bank issued promotion order up to merit list No. 28 only w.e.f. 1-12-1995, depriving the workman who was at serial No. 30 of the merit list. It has also been alleged by the workman's union that out of 28 successful candidates there were as many as ten candidates who were though ineligible, in terms of qualification criteria, but declared successful after test and interview. Further it has been alleged by the workman's union that the Bank management with motive of accommodating its dear ones again circulated 11 vacancies vide circular dt. 7-10-1997. It has been alleged by the workman's union that the action of the Bank management, in not declaring the workman successful even existence of 39 vacancies and position of workman on 18th position of the merit list (28—10=18) is violation of policy, unjustified and against the principles of natural justice and accordingly has prayed that the said action of the bank management be declared unjustified and he be promoted w.e.f. 1-12-1995.

4. The management of the Central Bank of India has refuted the claim of the workman's union by filing its written statement wherein it has submitted that the workman appeared in test in July, 1995 against 28 vacancies in general category, for the post of Programmer-cum-Computer Operator, but could not be promoted being at 30th rank in the merit list, therefore, the workman has no right to claim for promotion on the basis of process gone through in the year 1995. Further the management of the Bank has further submitted that it is Bank's discretion to prescribe eligibility criteria and in the present case also the eligibility criteria was applicable, equally to all the

employers. In this regard the management has referred to Writ Petition No. 1812/97 wherein Hon'ble High Court of Madhya Pradesh had upheld the entire promotion process including the relaxation, given by the Bank, in the qualification. Accordingly the management of the Bank has held the action in filling the vacancy under question by issuing circular, conducting test and interview etc. as justified and has prayed that the claim of the workman's union is rejected without any relief to the concerned workman.

5. The workman's union has filed rejoinder wherein it has introduced nothing new, apart from reiterating facts already stated in the statement of claim.

6. Both parties have filed documents in support of their respective claim. The workman's union has examined the workman whereas the management of the Bank has examined Shri Raj Dev Swarnkar, Chief Manager (Personnel) in support of their respective stands. The parties filed their written arguments apart from submitting oral submissions in support of their case.

7. Learned representative of both the parties and summed the entire evidence on record.

8. The learned representative on behalf of the workman's union has submitted that inspite of being sufficient vacancies the workman was not promoted to the post of Programmer-cum-Operator w.e.f. 1-12-1995 and those candidates who were not having requisite qualification were called for promotion process and were promoted to the post of Programmer-cum-Operator' ignoring to the workman. He has further submitted that since the workman was at serial No. 30, he was to be promoted being within 39 available vacancies but at that stage the vacancies were cancelled. Further out of 28 promotees in first phase as many as 10 promotees not having the requisite qualification of computer diploma, if the said 10 candidates are excluded from the list of 28 successful candidates, the workman would have been promoted at serial No. 20.

9. Per contra, the learned representative on behalf of the Bank has argued that the workman who appeared in the promotion process for the post of Programmer-cum-Operator' held in the year 1985 was not found successful since he secured the marks less than cut off marks hence he could not be promoted to the said post. The Bank has relaxed criteria and 11 candidates who have been declared successful in the year 1998 in supplementary test were over and above to the declared vacancies. He has also urged that it is wrong to say that 10 candidates were unqualified as alleged by the union. All 28 candidates successful in the written test for the Programmer-cum-Operator' possess necessary qualification as prescribed by the Bank moreover, it is the Bank discretion to prescribe or relax the eligibility criteria. There was no prejudice caused on

behalf of the Bank to the workman Sh. Rajesh Kumar. In support of his contention he has placed reliance on the decision of Hon'ble Madhya Pradesh High Court in Writ Petition No. 1812/1997.

10. I have given my thoughtful consideration on the rival submissions made by both the sides.

11. It is not disputed that *vide* circular dtd. 12-1-1995 applications were invited for few vacancies likely to arise for the post of Programmer-cum-Operator' and qualification prescribed for the said post was as under (Paper No. 3/4);

1. M. Com., M.Sc/M.A. with mathematics or Statistics as one of the subject

OR

M. Sc. in Physics or Electronics

OR

B.E. in Electronics or Industrial Engineering or Operational Research or Computer Engineering or Communication or Electrical Engineering with computers as one of the subject.

(ii) In addition to the above Degree or Diploma in Systems Analysis or Computer Programming from a recognised/reputed institution is desirable.

12. Subsequently *vide* letter dtd. 23-2-1995 in order to have wider participation of the candidates, the management relaxed the educational qualification as under (Paper No. 3/5);

1. Graduate with Mathematics or Statistics as one of the subjects and a Degree/Diploma in System Analysis of Computer Programming from a recognised/reputed institution.

13. It is evident from circular dtd. 7-10-1997 (3/7) that subsequently considering the impediment faced by the Zones in distinguishing a diploma course from a certificate course with a varied durations, it was further decided internally that instead insisting on diploma/degree in computer programming, the members having certificate in System Analysis/Computer Programming from a recognised/reputed institution shall also be allowed to participate therein. Accordingly, the application as received were scrutinised and the test was conducted on 9-7-1995 for the eligible candidates and the final result was declared in Nov. 1995 and the postings to the successful candidates were given w.e.f. 1-12-1995 (3/6).

14. Admittedly, the workman Sh. Rajesh Kumar appeared in the test held in July, 1995 for the post of Programmer-cum-Operator' and serial No. in merit list was 30 whereas only candidates upto serial No. 28 were promoted *vide* order dtd. 13-12-1995 (3/6).

15. The workman has stated that out of 28 promotees, 10 promotees at serial No. 7, 14, 19, 20 to 22 and 24 to 27 were not eligible to appear in the test. He has further stated that no relaxation in the qualification criteria ever made in the year 1995 contrary to this it has been categorically mentioned in the circular dt. 12-1-1995 that qualification criteria will not be relaxed. The workman has further stated that the above 10 persons were not having diploma or degree in System Analysis of Computer Programming.

16. In rebuttal, the management witness Sh. Raj Deo Swarankar, Chief Manager (Personnel) has stated that eligibility criteria was relaxed *vide* circular dt. 23-2-1995. He has further stated that as per cut of mark only 28 persons were eligible for promotion. Since the workman had secured less than cut off marks therefore, he could not be promoted. The Bank has right to relax eligibility criteria. In cross-examination he has admitted that some of the candidates in the list of 28 successful persons, some were not having degree/diploma of Computer Programming. He has further admitted that Sh. Devendra Singh was not having desirable qualification.

17. The learned representative on behalf of the workman has referred the order dt. 7-1-2004 passed by Hon'ble MP High Court, Jabalpur Bench in LPA No. 312 of 2001 photo copy of the said order placed on the record but the facts of the said case are distinguishable. The question under consideration was whether the appellant would have been granted promotion w.e.f. 16-2-1996 i.e. when the earlier promotion order was passed ignoring the case of the appellant promoting respondent No. 4 to 14. Hon'ble MP High Court while disposing the appeal gave directions to the appellant to move suitable representation and respondent No. 1 and 2 were directed to consider the case of the appellant to pass the appropriate orders fixing his seniority appropriately. Thus, the said decision is not relevant in the matter in dispute.

18. The learned representative on behalf of the Bank has referred the judgement of Hon'ble M. P. High Court, Indore Bench passed in Writ Petition No. 1812/97. In the said writ petition issue was regarding relaxation of criteria for the post of Programmer-cum-Operator was raised against the Bank. In para 18 and 19 of the said judgement Hon'ble High Court has observed as under:

"In my opinion, the decision taken by the Bank which is reflected in para 3 referred supra can not be said to be either arbitrary or against any provision of law effecting any candidates fundamental right. The need to relax necessitated because it was found that several candidates filed certificate from reputed Institutions and hence they must also be given opportunity to appear in the examination on the basis of those certificates provided those certificates issued by reputed and recognized Institutions dealing in computers in country. The decision taken

was conceived in the best interest of employees working in the Bank who got an opportunity to appear in the examination and compete with the persons having better qualifications like the petitioner who claimed to master degree in computer management. In my opinion, action of Bank can be quashed if it is totally arbitrary or it affects petitioner's fundamental right or substantive legal right. The present case does not fall in any of this category. It was an internal affair of the Bank for giving promotion to employees working in the Bank. A conducting written test and prescribing eligibilities criteria is always held to be an act which eliminates the favour and the more are allowed to participate, there are chances to get better merit."

19. In view of the above decision the entire promotion process for the post of Programmer-cum-Operator' has been upheld, Hon'ble High Court also upheld the relaxation given by the Bank in qualification. Therefore, even, if, the candidates who have not having Diploma/Degree course in Computer Programming but having certificate course were also eligible. Thus, the contention of the learned representative on behalf of the union that out of 28 successful candidates there were as many as 10 candidates were not having Diploma/Degree in System Analysis Computer Programming and were ineligible, is not sustainable.

20. It is evident from the list C-7 of candidates who have been promoted that candidates at serial No. 28 had secured 97 marks. It is also evident from the circular dated 7-10-1997 (Paper No. 9/13) that cut off marks secured in the written test by the last candidates who were called for interview was 76. The said circular was issued for the vacancies for the post of Programmer-cum-Operator to accommodate those candidates who were otherwise eligible could not apply for the same as they were not aware of the relaxation made in the educational qualification internally. It has been categorically mentioned therein that for subsequent vacancies eligible candidates will have to under go a written test and those who secured marks equal to or above 76 (i.e. cut off marks secured in the written test by the last candidate who have been called for interview in the last process) will be called for interview. It is not the case of the workman that he had secured more marks than the last candidate in the list of 28 successful candidates who have been promoted. It is also not the case of the workman that he had secured more than cut off marks prescribed by the Bank. Moreover, it is not for the union or workman to decide what qualification should be prescribed for appearing in the examination but it is for the Bank to decide eligibility criteria for the candidates to become an eligible candidate. The relaxation in the eligibility criteria has been held valid by Hon'ble M. P. High Court. Once the workman is allowed to appear in the examination as an eligible candidate then he has to

obtain the necessary cut off marks in the examination to enable him to get promotion. The workman was allowed to appear in the process in the year 1995 but could not finally secured number of marks so as to get the promotion. Therefore, it can not be said the Bank management has caused prejudice to the workman or acted arbitrarily or against the principle of natural justice.

21. In view of the above discussions the demand of the Central Bank Worker's Organisation (U.P.) for promotion of the workman Sh. Rajesh Kumar, Head Cashier to the post of Programmer-cum-Operator w.e.f. 1-12-1995 is not justified. Resultantly, the workman is not entitled to any relief. Reference under adjudication is answered accordingly.

22. Award as above.

Lucknow : 30-12-2009.

N. K. PUROHIT, Presiding Officer

नई दिल्ली, 13 जनवरी, 2010

का.आ. 398.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जीवन बीमा निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय पुणे के पंचाट (संदर्भ संख्या 271आफ 1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-1-2010 को प्राप्त हुआ था।

[सं. एल-17012/33/97-आईआर(बी-11)]

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 13th January, 2010

S.O. 398.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 271 of 1998) of the Central Government Industrial Tribunal/Labour Court Pune now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Life Insurance Corporation and their workmen, which was received by the Central Government on 13-1-2010.

[No. L-17012/33/97-IR (B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

BEFORE SHRI S. G. DESMUKH PRESIDING OFFICER
SECOND LABOUR COURT, PUNE

REF. (IDA) NO. 271 OF 1998

BETWEEN

Life Insurance Corporation of India,
University Road, Pune-5.

First Party

AND

Shri Pralhad M. Gaikwad
Aundh Patil Wadi, Rly. Police Vasahat,
Khadki, Pune (Maharashtra)-411003

Second Party

Coram : Shri S. G. Deshmukh

Appearances : Shri Pradhan, Advocate for 1st Party.
Shri Mahadik, Advocate for 2nd Party.

AWARD

(Date : 12-10-2009)

1. The Desk Officer, New Delhi forwarded this reference for adjudication of termination of service of the second party.

2. After receipt of reference on 13-05-1998, notices were issued to the disputing parties. On 30-11-1998, second party workman submitted his statement of claim marked as Exh. 11. As per him, since 18-04-98 he is serving as a Clerk towards first party. He served towards his employer for more than 40 years. On 17-03-99, employer without sufficient cause, terminated his services. Before it, on 11-09-92 & 08-02-99 through enquiry by Shri Kulkarni charge sheet was submitted to him on 21-05-92. It was charged that the conduct of the second party workman threatening to one Smt. L. A. Pradhan, ABM (A) was a misconduct. The chargesheet was replied by second party. In the course of enquiry statements of S/Shri Bhoir, Randive, Deo and Smt. Pradhan were recorded. The delinquent employee i.e. second party was not asked whether he desires to appoint representative against his charges. Therefore, the enquiry conducted was against the principles of natural justice. It is further submitted that the enquiry officer submitted his findings examining Smt. Pradhan and another witnesses. It is stated that evidence of Smt. Pradhan was not sufficient to establish the misconduct. The witnesses examined were having quarrel relations with the second party. It is contended that second party was in drunken state of condition even though there was no medical evidence to support the above referred charge. Thus, enquiry conducted was not fair and proper. So, second party requested to reinstate him with full back wages.

3. The employer filed its Written Statement resisting the statement of claim on 8-5-2007 marked as Exh. 17. It admitted the status as well as length of service of the second party. As per it, the proceeding dtd. 12-8-1992 clearly reveal that enquiry officer specifically asked the second party that whether he is in need of any assistance to represent in the enquiry. Therefore, allegations of the second party are without substance. In fact, principles of natural justice were observed during the course of enquiry and the enquiry officer given findings on the basis of evidence adduced before him by the parties. The

departmental enquiry authority independently applied its mind towards and concurred with the findings of the enquiry officer. The punishing authority also considered the past record of the second party. In view of above procedure, the management had no alternative than to initiate action of removal as there was no improvement inspite of various punishments and cautions were issued to the second party. Therefore, reference is liable to be rejected.

4. In view of pleadings, my Predecessor was pleased to frame issues on 13-12-2008 vide Exh. 53. In view of adjudication of the enquiry conducted, issue relating to enquiry was treated and decided as a preliminary issue by order dtd. 26-2-2008. My Predecessor by order dtd. 26-2-2008 vitiated enquiry holding it as against the principles of natural justice. It is not the case of the employer that the order vitiating enquiry was challenged or set aside by appellate authority. In view of vitiating enquiry, the remaining issues are necessary to be discussed by me in view of evidence placed on record.

5. Before discussing the issues with the available record, arguments advanced by both the advocates are necessary to be reproduced.

6. Shri Mahadik, Ld. Advocate for the second party submitted that Predecessor of this court was pleased to reject the enquiry conducted against the second party workman. It was further submitted that if one consider the evidence of witnesses examined by the first party employer, no one will say that the misconduct is proved. He prayed to reinstate the second party workman with full back wages.

7. Shri Pradhan, Ld. Advocate for the first party relying on 1998 BCI 38, an authority from Hon'ble High Court Bench at Nagpur and placing reliance on written argument, Exh. 77, submitted that reference is liable to be rejected. I had given careful thought to the arguments and authority relied on. After reproducing argument, we will consider the issues one after another with below mentioned reasons :—

ISSUES	FINDINGS
2. Whether misconduct is proved before enquiry officer/court?	...Not proved.
3. Does the second party prove that his termination w.e.f. 17-3-93 is illegal?	...Proved.
4. Whether punishment of dismissal is shockingly disproportionate?	Yes.
5. Whether second party prove that he is entitled to reliefs claimed for?	Reinstatement with continuity of service only
6. What order?	Reference is allowed in part.

REASONS

8. AS TO ISSUE NO. 2.—The misconduct is charged against the second party workman. In that regard admitted facts are the status of the workman, his length of service, issuing of chargesheet, conducting enquiry and conclusion of the enquiry officer against the second party workman. It is further admitted fact that my Predecessor had turned down the enquiry as against the principles of natural justice. In that regard, heavy burden shifts towards first party employer to establish the misconduct before the court. It is needless to say that misconduct is not defined in Industrial Disputes Act, 1947. As per the general clause Act, the conduct is a misconduct which occurred against natural course of human conduct affecting the rights of others. In view of above simple understanding, we will consider what charge was levelled against the second party workman and what evidence is there in that regard. The proceeding of enquiry officer before the court reveal that second party was charged for threatening to one Smt. L. A. Pradhan on 8-2-92 by words, "तुम्हाला बघुन घेईन, प्रधानबाई त्याचा परिणाम बरा होणार नाही माझ्या मार्गात येणा-याचे मी वाईट करीन कापुन काढीन" etc. Similarly, utterance of abusive words also one of the charge. It is stated that Regulations-21, 24 & 39(1) of LIC of India, Staff Regulation, 1960 were breached. So, we will consider the above referred charge with the available evidence on record. It is clear from the reading of the words appearing in Marathi thereats were given to Smt. L. A. Pradhan on the part of the second party workman. It is clear from the record that the above referred words were used when Smt. Pradhan was discharging her duty on that day towards cash counter. So, we will consider the available evidence to accept the above referred charge. In that regard, first party examined Smt. Pradhan as a witness No. 1 at Exh. 60, Shri Deo, witness No. 2 at Exh. 69 and Shri Vilas Kotwal as witness No. 3 at Exh. 75. The oral evidence was closed down vide pursis Exh. 76. So, we will consider the above referred evidence regarding proof of misconduct alleged. As per Smt. Pradhan on 8-2-1992 when she was working on cash counter as concerned staff was on leave. At about 1.30 pm record clerk Shri Gaikwad (second party) entered into the cash counter where she was working and started threatening her. She further deposed that when, she asked him to stop for a while as she was busy in work. She further stated that even then, he (Gaikwad) shouted her saying that "सामवारी बघुन घेईन कापुन काढीन" The simple meaning of above evidence is that second party entered towards cash counter and threatened by words "सामवारी बघुन घेईन कापुन काढीन" So, we will consider whether the above referred evidence is corroborated by another witness Shri Deo, who was as per the chargesheet. The evidence of Shri Deo reveal that on 8-2-1992 when he was on duty at Khadki Branch as a cashier, at about 1.30 pm,

second party entered into the cabin of Smt. Pradhan. He further stated that by getting out, the second party loudly stated that.....“तुम्ही स्वतःला लार्ड फाल्कन समजता का ? तुमच्या सारखे बरेच ऑफिसर मी पाहिले आहे. आपल्या सारख्यांना मी. जुमानत नाही. तुमचे तलवारीने तुकडे, तुकडे करीन”. He was one of the witness present at that time. So, we will have to consider whether evidence of Smt. Pradhan is corroborated with above evidence of Shri Deo. The answer will be “no” when one will simply reproduce the Marathi words, one will say that the words used by Smt. Pradhan had not stated in any way by the witness Shri Deo. Therefore, uttering the words meaning to threats being stated inconsistently by two witnesses, clearly reveal that the threat is not proved by the evidence. Here, as I stated before, the status of the second party workman is not challenged. This fact is necessary to be considered as second party was working as an employee when incident occurred and as per the evidence of Shri Deo, he went towards Smt. Pradhan with permission. In view of above facts on record, one will say that the threats are not proved as per the charge. Moreover, as I stated before, my Predecessor was also pleased to reject the enquiry in the charges levelled against the second party. Thereby, one will say that the misconduct alleged is not established by the eye witnesses.

9. Shri Pradhan in the course of argument strongly submitted that second party failed to appear before the court and thereby, one has to accept the misconduct on the part of the second party. I am not ready to accept the argument even though second party failed to appear before the court. The reason for above conclusion is that my Predecessor rejected the enquiry of misconduct. It means still prima facie burden lies towards employer and not towards the second party workman. The evidence of Smt. Pradhan with Shri Deo established the failure of misconduct as charged. Thereby, absence of the second party before the court will not help the first party as argued by Shri Pradhan.

10. The employer also examined Shri Vilas Kotwal as witness no. 3, Exh. 75. It appear that this officer who is higher grade assistant towards legal Section was examined to show the previous record of the second party. As per Shri Vilas Kotwal, he knew second party and as per the record on 26-07-87 order was issued reducing 5 increments of the second party. The order dtd, 01-08-89, 20-02-86 was also issued against the second party.

11. Similarly, the evidence reveal that letter dtd. 28-2-86 by Branch Manager, reduced one increment of the second party. The sum and substance of the above evidence is that in between 1984 to 1989 some actions were taken against the second party workman. It is true that the above referred fact reveal about working of the second party. Even if it be so, taking action of termination,

this court has to see whether the action initiated from 1984 to 1989 were the out come of the enquiry. The record of the first party reveal that reasonable penalties were imposed against the second party reducing his increments etc. Thereby, the above previous record will not help first party to prove the charged misconduct. Moreover, the officer Shri Vilas Kotwal in his cross examination categorically admitted that he only heard about the misbehaviour of the second party. He further admitted that he had not worked anywhere with the second party. In view of above evidence, in my view the misconduct charged cannot be said to be proved.

12. Interestingly, the evidence of the first party clarifies that criminal action was initiated against the second party workman. The evidence of Smt. Pradhan clarifies the withdrawal of the said criminal action. This action on the part of Smt. Pradhan also damages the stand of first party employer, in a natural course of human conduct, if really second party committed misconduct then certainly she never withdrew criminal complaint. It appears from the enquiry proceeding that incident of 29-6-94 also play material role for termination. As per employer, one Shri Ashok Bhalerao, who happened to be son in law of second party came to the office and slapped on chick of Smt. Pradhan. In that regard, the entire evidence of first party is silent about slapping incidence. Neither Smt. Pradhan nor any one stated about the said incidence. Thereby, the said incidence is not proved by the first party.

13. I had given careful thought to the Regulations-21, 24 & 39 (1) of LIC of India (Staff) 1960 of the first party and in my view the sum and substance of above regulations is that employee has to maintain integrity and devotion towards duty and is duty bound to obey all orders of superiors. As per the regulations, the employee shall be honest and faithful towards employer. If one digest the above referred regulations with the wording of charge, no one will say that either of the regulation is contravened. The reason for above conclusion is that disobedience of the order of superior is a different action than that of misconduct and it is not the case of the first party that second party was immediate inferior employee of Smt. Pradhan. In view of above fact on record, it became clear that neither regulations nor evidence placed before the court established that misconduct charged against the second party is proved.

14. Shri Pradhan relied on BCI (1981) 38, wherein, our Hon'ble High Court laid down that it is for the charged party who alleges the charge has to prove it. As per Hon'ble High Court, it is expected to step into the witness box in support of his case. I respectfully abide with the ratio, submit that authority will not help the first party employer. The reason is that misconduct alleged which is rejected by my Predecessor has to be established primarily by first party. Thereby, even though second party workman

failed to appear, the authority will not help to the first party. In view of evidence discussed above, it is clear that misconduct is not proved either before enquiry officer or before the court and thereby, this issue is answered as not proved.

15. **As To Issue No. 3 :—**In view of failure of proof of solitary charge of misconduct and in view of admitted status and length of service of the second party, termination of second party is illegal. Thereby, issue is answered accordingly.

16. **As To Issue No. 4 :—**Admitted fact is that enquiry was vitiated by my Predecessor. The evidence before the Court reveal that employer failed to prove the charge. In view of above facts, dismissal has to be accepted as shockingly disproportionate. Thereby, the issue is answered accordingly.

17. **As To Issue No. 5 :—**It appear from the prayer that along with monetary relief, reinstatement with continuity is prayed. As far as back wages is concerned, second party had not appeared before the court and thereby later relief is not acceptable for want of evidence. So only reinstatement with continuity is necessary to be directed. Thereby, the issue is answered accordingly.

18. It appears from the record that during the proceeding of reference, second party attained the age of superannuation. Therefore, first party is directed to treat second party with continuity of service from the date of his dismissal till the date of superannuation with continuity of service.

So, only reinstatement with continuity of service is necessary to be directed. Thereby, issue is answered accordingly.

19. **As To Issue No. 6 :—**In the result, reference has to be accepted in part. It is accepted in part. I pass following final order :

ORDER

1. Reference is hereby partly allowed.
2. The first party is hereby directed to reinstate the second party with continuity of service.
3. The claim of the second party for back wages stands rejected.
4. The first party is directed to pay costs of Rs. 1000 to the second party.

Place : Pune

Date : 12-10-2009.

S. G. DESHMUKH, Presiding Officer

नई दिल्ली, 13 जनवरी, 2010

का.आ. 399.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डायरेक्टर, पोस्ट एण्ड टेलीकम्यूनिकेशन डिपार्टमेंट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 45/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-1-2010 को प्राप्त हुआ था।

[सं. एल-40011/21/2004-आईआर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 13th January, 2010

S.O. 399.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 45/2007) of the Central Government Industrial Tribunal-cum-labour, Court No. 1, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Director, Post & Telecommunication Department and their workmen, which was received by the Central Government on 13-1-2010.

[No. L-40011/21/2004-IR (DU)]

SURENDRA SINGH, Desk Officer

**ANNEXURE BEFORE DR R. K. YADAV,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, KARKARDOOMA
COURT COMPLEX, DELHI**

I. D. No. 45/2007

Ganesh through The General Secretary,
Delhi Labour Union, Aggarwal Bhawan,
G. T. Road, Tis Hazari,
Delhi

.....Workman

Versus

The Director,
Post & Telecommunication Department,
Sham Nath Marg,
Old Secretariat,
Delhi

.....Management

AWARD

One Prem was employed as record keeper in the office of Director, Post and Telecommunication Department, Delhi. He died in harness on 9th of August, 2000. Smt. Chandrawati, his widow made an application for appointment of her son Ganesh on compassionate ground. The said application was declined by the management. She raised a dispute before the Conciliation

Officer. When conciliation proceedings failed, a failure report was submitted to the Government. On consideration of that report the Central Government declined to make a reference vide Order dated 4-1-2005. The decision of the Central Government was assailed by way of writ petition before High Court of Delhi. High Court commanded the government to consider the matter afresh. Accordingly the Central Government referred the dispute to this Tribunal for adjudication vide order No. L-40011/21/2004-IR (DU), New Delhi, dated 25-2-2007, with the following terms :

“Whether the action of the Director, Post & Telecommunication Department, Sham Nath Marg, Delhi, in denying compassionate appointment to Shri Ganesh S/o Late Shri Prem, Ex-record Keeper, is legal and justified? If not, to what relief the workman is entitled to?”

2. Claim statement was filed by Shri Ganesh, son of deceased Prem, pleading therein that his father was employed in Post and Telegraph Department, Sham Nath Marg, Delhi, since 20th of June, 96. He died on 9th of August, 2000. He was a permanent employee. On 7-12-2000 his mother filed an application for his appointment on compassionate grounds. He was not given any employment, despite various reminders sent in that regard. He is 32 years of age, having four children, namely, Aman, Suman, Aakash and Avinash. They are dependent upon him for basic needs like food, cloth etc. Besides these children, his wife Kavita is also dependent upon him. He does not have any source of livelihood. He is living in starvation and left at the mercy of his friends and relatives. He is having as on date no source of income.

3. Post and Telegraph department had given appointment on compassionate ground to many persons in 2007, pleads the claimant. One Satish, who was a cook working with the management, met a sudden death. His son was employed on compassionate ground in a short span, while he was been discriminated by the management. He claims that action of the management, in refusing compassionate appointment to him, is arbitrary, illegal, unjustified, discriminatory unconstitutional and against the settled principles of law. He claims that appropriate directions be issued to the management to appoint him on a group D post, on compassionate grounds.

4. A contest was given to the claim by the management pleading that the claimant had abused the process of law. It has been pleaded that the management exercises sovereign functions of the Government and does not fall within the ambit of industry, as defined by Industrial Disputes Act, 1947 (in short the Act). Recruitment to group D post is governed by statutory rules and appointment to such posts are regulated by those rules. Neither the claimant nor his father was a

workman. Provisions of the Act are not applicable to the present controversy. Father of the claimant was holding a civil post under the Government of India, hence cannot be termed as a workman under the Act. It is not disputed that father of the claimant was employed with the management, who met his death on the date mentioned in the claim petition. Chandrawati, widow of the deceased, moved an application for compassionate appointment, which request was carefully considered. Her request was not legal, hence it was declined. Decision of the competent authority was conveyed to her. There were no vacancy from 2002 to 2006, except in the year 2004, for appointment on group D post, on compassionate grounds. Under these circumstances, request of Smt. Chandrawati was declined. In the year 2004 there was only one vacancy and more deserving candidate was considered for appointment. The claimant had tried to mislead when he projects that he was discriminated in the matter of compassionate appointments. It has been claimed that the case projected is not maintainable.

5. Smt. Chandrawati entered the witness box, to testify facts in favour of her son, on 25-7-09. She was examined in part. her further examination was deferred for the next date. Thereafter she opted not to appear for her testimony. Not to talk of affording an opportunity to the management to cross examine her, her testimony remained incomplete. Since no opportunity could be given to the management to purify her testimony by way of an ordeal of cross examination, testimony of Chandrawati cannot be read in evidence.

6. Ganesh entered the witness box and testified facts in support of his claim. No other witness was examined on behalf of the claimant. Management opted not to adduce any evidence in the matter.

7. Arguments were heard at the bar. Shri Mohd. Farukh, authorised representative, advanced arguments on behalf of the workman. Shri Vishnu Anand, authorized representative, raised his submissions on behalf of the management. I have given my careful considerations to the arguments advanced at the bar and Cautiously perused the record. My findings on issues involved in the controversy are as follows :

(8) Workman means any person (including an apprentice) employed in any industry to do any manual unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceedings under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with or as a

consequence of that dispute or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

(i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957), or

(ii) who is employed in the police service or as an officer or other employee of a prison, or

(iii) who is employed mainly in a managerial or administrative capacity, or

(iv) who being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

12. The first part of the definition gives the statutory meaning of the workman. This part of the definition determines a workman by reference to a person (including an apprentice) employed in an "industry" to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward. This part determines what a "workman" means. The second part is designed to include something more in what the term primarily denotes. By this part of the definition, person (i) who has been dismissed, discharged or retrenched in connection with an industrial dispute, or (ii) whose dismissal, discharge or retrenchment has led to an industrial dispute, for the purposes of any proceedings under the Act in relation to such industrial dispute, have been included in the definition of "workman". This part gives extended connotation to the expression "workman". The third part specifically excludes the categories of persons specified in clauses (i) to (iv) of this sub-section. The third part connotes that even if a person satisfies the requirements of any of the first two parts but if he falls in any of the four categories in the third part, he shall be excluded from the definition of "workman". Not only the persons who are actually employed in an industry but also those who have been discharged, dismissed or retrenched in connection with or as a consequence of an industrial dispute, and whose dismissal, discharge or retrenchment has led to that dispute, would fall within the ambit of the definition. In other words, the second category of persons included in the definition would fall in the ambit of the definition, only for the purpose of any proceedings under the Act, in relation to an industrial dispute and for no other purposes. Therefore, date of reference is relevant and in case a person falls within the definition of workman on that day, the Tribunal would be vested with jurisdiction to entertain it and the jurisdiction would not cease merely because subsequently, the workman ceases to be workman. As detailed above, after death of

Prem, relationship of employer and employee came to an end, between the parties. Dispute raised by his dependant for compassionate appointment cannot be raised, for want of relationship of employee and employer between the parties.

13. For an existing or apprehended industrial dispute it must be between an employer and the workman. Clause (d) of sub-section (1) of Section 10 of the Act empowers the appropriate Government to refer the dispute or any matter appearing to be connected with or relevant to the dispute whether it relates to any matter specified in the second Schedule or third schedule to a Tribunal for adjudication. Sub-section (8) of the said section contemplates that no proceedings pending before a Labour Court, Tribunal or National Tribunal in relation to the industrial dispute shall lapse merely by reason of a death of any of the parties to the dispute being a workman, and such Labour Court, Tribunal or National Tribunal shall complete such proceedings and submit its Award to the appropriate Government.

14. The provisions of sub-section (8) of Section 10 of the Act gives effect to the proposition that the maxim *actio personalis moritur cum persona* has limited application. The applicability of that maxim depends upon the relief claimed and the facts of each case. In the event of the death of the workman, during the pendency of the proceedings, relief of reinstatement, obviously cannot be granted. In *V. Bhaskaran* [1982 (1) LLJ 485] Kerala High Court has taken a view that if after having raised the dispute, the workman dies, his legal representative can further agitate and prosecute the dispute before the industrial authorities because, in law a legal representative is not a different person from the deceased, but only continues the persona of the deceased. In *Delhi Cloth and General Mills Limited* [1985 (1) L.L.J. 36] the Apex Court ruled that when a workman dies during the pendency of the proceedings, his reinstatement becomes impossible. However the Court can grant the appropriate relief by ordering the employer to pay his wages till the date of his death. Therefore, it is evident that on the date of the death of workman proceedings before any adjudicating authority, in relation to an industrial dispute, shall not lapse merely by reason of death of any of the parties to the dispute being a workman and the adjudicator is enjoined with a duty to complete such proceedings and submit his Award to the appropriate Government.

15. However, the proposition is different when the workman expires even prior to the date when the dispute was referred for adjudication. When a workman dies while the dispute is in the conciliation stage before the Conciliation Officer, the dispute will abate by reason of his death, since for raising a dispute it should be between an employer and a workman. On the death of a workman,

dispute relating to his dismissal, discharge, termination or retrenchment can be espoused by a union, since issues relating to his discharge, dismissal, termination or retrenchment may affect the other workmen of the industry. In that situation when the dispute is espoused by a union, it can be referred by the appropriate Government and not otherwise. Here in the case the dispute under reference was not espoused by any union. Even otherwise it is not a dispute which relates to discharge, dismissal, termination or retrenchment of Prem. The dispute, as projected, relates to service conditions of employees working with the management. Such a dispute can be referred for adjudication under clause (d) of sub-section (1) of Section 10 of the Act, on being espoused by a union of the employees of the establishment of the management. Therefore, without espousal of the dispute by the union, the appropriate Government was not competent to refer it to the Tribunal for adjudication.

16. Provisions of sub-section (8) of Section 10 of the Act would apply to the reference and other proceedings, which are pending on the date of death of the workman before a Labour Court, Tribunal or a National Tribunal and not otherwise. Consequently, it is apparent that when Prem met his death relationship of employer and employee between the parties came to an end and there was no dispute much less an industrial dispute, which can be referred for adjudication. The appropriate Government lacked jurisdiction to refer this dispute to this Tribunal for adjudication, for want of espousal by a union of the employees of the establishment of the management. The claim is liable to be dismissed on this score.

17. There is other facet of the coin. The object of the scheme for compassionate appointments is to grant appointment to a dependant family member of an employee dying in harness or who retired on medical grounds, thereby leaving his family in penury and without means of livelihood, is to relieve the family of the employee concerned from financial destitution and to help it get over the emergency. Appointment made on grounds of compassionate appointment are to be done in such a way that persons appointed to the post do have essential educational and technical qualifications and experience required for the post concerning with the requirement of maintenance of efficiency. An application for compassionate appointment is not to be rejected merely on the ground that the family of the employee has received the benefits under various welfare schemes. While considering a request for appointment on compassionate grounds, a balance and objective assessment of financial condition of the family has to be made, taking into account its assets and liabilities (including the benefits received in various welfare schemes) and all other relevant factors such as persons of earning member, size of the family, age

of the children and the essential needs of the family. Compassionate appointment should be made available to the person concerned, if there is a vacancy for compassionate appointment and he or she is found eligible and suitable under the scheme. An application for compassionate appointment consequent on death of a group D staff is to be considered with sympathy by applying relaxed standards depending on facts and circumstances of the case. Such appointments are to have precedence over absorption of surplus employees and regularization of daily wage/casual workers.

18. The Apex Court in *G. Anantha Rajeshwara Rao* [1994 (1) SCC 192] had considered the scheme of compassionate appointments formulated by the Government of India and ruled that appointment on grounds of descent clearly violates article 16(2) of the Constitution, but if the appointment is confined to the son or daughter or widow of the Government servant who die in harness, who need immediate appointment on the ground of immediate need of assistance in the event of there being no other earning member in the family to supplement the loss of economies from the bread winner to relieve to distress of the members of the family, it is unexceptionable. Again in *Umesh Kumar Nagpal* [JT 1994(3) SC 5325]. The Apex Court considered the scheme and laid down following principles in that regard:

- (1) Only dependants of an employee dying in harness, leaving his family in penury and without any source of livelihood can be appointed on compassionate grounds.
- (2) The posts in group "C" and "D" are the lowest posts in non-managerial and managerial categories and, hence, those posts alone can be offered on compassionate grounds.
- (3) The whole object of granting compassionate appointments is to enable the family to tide over the crisis and to relieve the family of the deceased from destitution and to help it get over the emergency.
- (4) Offering compassionate appointments as a matter of course, irrespective of financial condition of the family of the deceased or medically retired Government servant, is legally impermissible.
- (5) Neither the qualification of the applicant (dependant family member) nor the post held by the deceased or medically retired Government servant is relevant. If the applicant finds it below his dignity to accept the post offered, he is free not to accept it. The post is not to be offered to cater his status

but to see family through the economic calamity.

- (6) Compassionate appointment cannot be granted after lapse of a reasonable period and it is not a vested right which can be exercised at any time in the future, and
- (7) Compassionate appointment cannot be offered by an individual functionary or an ad hoc basis.

19. In *Asha Ram Chander Ambedker and others* [JT 1994 (2) SC 183] the Apex Court ruled that the High Courts and Administrative Tribunals cannot give directions for appointment of a person on compassionate ground but can merely direct consideration of the claim for such appointment. In *Dinesh Kumar* [JT 1996 (5) SC 319] and *Smt. A. Radhika Therumalai* [JT 1996 (9) SC 197] it was announced that appointment on compassionate ground can be made only, if a vacancy is available for that purpose. In *Rami Devi and others* [JT 1996 (6) SC 646] it was ruled that if the scheme relating to appointment on compassionate ground is accepted to all sort of casual, ad hoc employees, including those who are working as apprentice, then the scheme cannot be justified on constitutional grounds.

20. Catena of decision were considered by the Apex Court in *Mohd. Rajoddin* [2003 (7) SCC 511] and it was laid therein that the purpose of providing compassionate appointments is to mitigate the hardship caused due to the sudden death of the bread winner in the family. It is to ameliorate the distress of the family that such appointments are made but these considerations cannot operate when the application is made after a long delay. In *Ankur Gupta* [2003 (7) SCC 704] the Apex Court reiterated that appointment on compassionate grounds cannot be claimed as a matter of right. In *Somveer Singh* [2007 (4) SCC 778] it was laid that appointment on compassionate ground is an exception carved out of the general rule that recruitment to public service is to be made in a transparent and acceptable manner providing opportunity to all eligible persons to participate in the selection process. Such appointments are required to be made on the basis of open invitation of applications and merit. Dependents of employees who died in harness do not have any special or additional claim to public services other than the one conferred if any, by the employer. The claim for compassionate appointment and the right, if any, is traceable only to the claimant in executive instructions/rules etc. framed by the employer in the matter of providing employment on compassionate grounds. There is no right of whatsoever nature to claim compassionate appointments on any ground other than the one, if any, conferred by the employer by way of schemes or

instructions as the case may be. The court made it clear that the whole object of granting compassionate employment is thus to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less than the post for post held by the deceased. In *M.T. Latheesh* [2006 (7) SCC 350], the Apex Court cautioned that indiscriminate grant of employment on compassionate grounds would shut the door for employment to the ever growing population of an unemployed youth.

21. Now it would be considered whether the management was justified in rejecting the application of Ganesh dependent of deceased Prem. As emerged over the record Ganesh deposed that his mother moved an application for compassionate appointment in 2007. He concedes that his father died on 9th of August, 2000. He further concedes that Mr. M.P. Sharma wrote a letter to his mother on 28-11-2000 which is Ex. WW2/M1. Shri Ravindran wrote a letter on 27-6-2001 which is Ex. WW1/M2. On 15-5-02 another letter was written by the management, which is Ex. WW2/M3. On 16-4-07 a letter was written by the management, which is Ex. WW1/M5. When these documents are perused it came to light that Smt. Chander Wati wrote to the management for appointment of his son in group 'D' category on compassionate grounds. Her request could not be considered since there was no vacant post in the year 2000, 2001 and 2002. For three years there was no vacant post and request of Smt. Chanderwati could not be considered. Consequently in 2007 a request was again made which was declined on the ground that a request for compassionate appointment can only be entertained within a period of three years. Therefore, it is emerging over the record that request of Smt. Chanderwati was not considered by the management for appointment of his son on compassionate grounds for want of a vacant post.

22. Ganesh is 32 years old, as deposed by him. For appointment in Government service maxima of age is 25 years for general category candidates. Five years relaxation in age is available to Scheduled Caste/Tribe category candidates. Though it is not so deposed by Ganesh, yet assuming that he falls in those categories, even then he is overage. Hence, as on date he is not eligible for appointment to a Government job. Consequently it is evident that case of the workman is not maintainable on merits too. Management was justified in refusing compassionate appointment to Shri Ganesh.

23. In view of the foregoing discussion, it is evident that the claim raised by Shri Ganesh is not maintainable. The same is, therefore, dismissed. An award is accordingly passed. It be sent to the appropriate Government for publication.

Dated: 13-11-2009

Dr. R. K. YADAV, Presiding Officer

नई दिल्ली, 13 जनवरी, 2010

का.आ. 400.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद से केन्द्रीय सरकार औद्योगिक अधिकरण-II, मुंबई के पंचाट (संदर्भ संख्या 2/67आफ 2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-1-2010 को प्राप्त हुआ था।

[सं. एल-12012/84/2002-आईआर(बी-II)]

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 13th January, 2010

S.O. 400.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/67 of 2002) of the Central Government Industrial Tribunal II, Mumbai now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Bank of India and their workmen, which was received by the Central Government on 13-1-2010.

[No. L-12012/84/2002-IR (B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

Present : A. A. Lad, Presiding Officer

Reference No. CGIT-2/67 of 2002

Employers in Relation to the Management of Bank of India

The Zonal Manager,
Bank of India, Raigad Thane Zonal Office,
2nd floor, Bank of India Building,
Sector II, CBD Belapur,
Navi Mumbai 400 614.First Party

V/s

Smt. Renu Vachani,
Block No. 58/5 Hindustan Chowk,
Mulund Colony,
Mumbai 400 082.Second Party

APPEARANCE

For the Employer : Shri Lancy D'Souza,
Representative

For the Workman : Shri M. B. Anchan,
Advocate.

Date of reserving the Award: 17-09-2009.

Date of passing the Award: 27-11-2009.

AWARD

The matrix of the facts as culled out from the proceedings are as under :

1. The Government of India, Ministry of Labour by its Order No.L-12012/84/2002-IR (B-II) dated 21st August, 2002 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Bank of India, Raigad Thane Zone, Thane to dismiss Mrs. Renu Vachani from service w.e.f. 30-11-1999 is justified? If not, what relief the workman, Mrs. Renu Vachani is entitled to?"

2. Claim Statement is filed by the Workman at Exhibit 6 making out the case that, she joined as a Typist in April, 1985 at Ulhasnagar Branch. It is stated by the 2nd Party that, she was transferred to Kalyan Branch in the year 1991. It is stated that, she was asked to perform her duties on new S/B Counter at the old premises of the Kalyan Branch till 14th August, 1991. It is stated that, said Branch moved to its new premises on 17th August, 1991 where she continuously worked on S/B Counter at the new premises in Kalyan Branch. It is stated that, in the month of April, 1992 she was assigned duty at D/D issuing counter and she continued to work there till 7th November, 1992 and thereafter she worked in Term Deposit and General Reserve etc. It is stated that, during the relevant period while she was performing her duty at D/D counter, one officer, Mr. S.V. Sathe, was incharge of the D/D Department and Mr. K. S. Jadhav was the second officer and Mr. Sani was the Manager of the said Kalyan Branch. It is stated that, the main work of the workman while working on D/D counter in the capacity of Clerk in brief was to receive D/D Books, P/S issue books and one CAN from said Mr. Sathe in whose custody all those Books used to remain. It is stated that, on receipt of the application from the customers, she used to prepare the Exchange voucher and then used to send the Exchange voucher and Green colour application form to the officer for signature. It is stated that, the customers who were paying cash she used to send Green colour voucher and Exchange Voucher through the customer for scrolling and deposit of cash and if the customer was paying through cheque she used to send the cheque on that particular counter. It is stated that, in the meantime, referring the original white colour application form she used to prepare the D/D after entering the details in the D/D issue register. It is further stated by her that, she used to make entries of the Branch Serial Number on D/D to be issued and after getting the counterfoil of the paying-in-slip from the customer, she used to send the D/D to the officer (Mr.Sathe) for checking and the signature of the officers on the D/D. It is stated by her that, if the D/D. was for the amount exceeding

Rs. 10,000 she used to obtain the second signature from the second officer also (i.e. Mr. Jadhav). The D/D was then handed over to the customer after getting the customer's signature on the reverse of the white copy of the application form. It is stated by her that, as provided in the Manual of instructions of the Bank of India, it was the responsibility of the concerned signing officers (i.e. of Mr. Sathe and Mr. Jadhav) to check and initial the concerned entry in the Drawing Advice before the D/D was handed over to the customer. It is stated by the 2nd Party that, at the end of the working hours the sensitive stationery was handed over by her to the concerned officer for safe custody.

(3) It is further contended by the 2nd Party that, it is an undisputed fact that, the work on the D/D counter at Kalyan Branch was heavy and she was required to prepare nearly 50 to 40 D/Ds in a day. It is stated that, the D/D counter was situated at the corner of the passage to the inner banking hall, in front of access to the Manager's cabin i.e. any customer or any staff member desiring to meet the officers or the Manager would pass through the D/D counter. It is her case that, as a result of it the D/D counter was most insecure and unsafe with the sensitive stationery with so many persons passing from there throughout the business hours. It is stated by the 2nd Party that, when the concerned workman was required to leave her seat to attend to the manager's call, telephone call or nature's call she had to keep the sensitive stationery in a drawer without lock and key. It is stated that, the sensitive stationery had the accessibility to anyone, especially the staff members. It is stated that, on the side of the workman the branch Daftary Mr. Ambre used to sit who had easy accessibility and manourability to the stationery and registers of D/D counter. It is stated that, most of the time said Mr. Ambre used to handle whatever used to be passed on to the workman by the concerned officers. It is stated that, at the end of the day when the sensitive stationery was handed over to the officers they did not use to immediately put it under the lock and key. It is stated that, when the D/D books or the Advice of Drawing pads were exhausted and the demand was made for fresh stock, no proper procedure was followed to ensure safety and security of the sensitive stationery. It is stated that, the concerned officers used to supply the sensitive stationery even through the Sepoys who used to be asked by the officers to open the cupboards and to take out the sensitive stationery. It is stated that, there was no proper security arrangement in the Branch and that during lunch break the staff, which included right from the sepoy, clerks and officers, used to gamble with the stake of money in the Bank premises. It is stated that, at the time of the shifting of the branch the stationery and furniture and even the sensitive stationery was loosely placed any where without ensuring its safety and some stationery like Advise of Drawings, Debit Notes and

Branch Index Books, D/D punch, D/D register were lying on the D/D Counter or in the drawer without lock and key, having free access to all the staff members, thus there was total chaos and the working environment, safety and security conditions were pathetic.

(4) It is further contended by the concerned workman that, due to the above mentioned hazardous working environment and heavy pressure of work, the workman did not notice the tampering and committed the clerical error on 10-10-1992 in writing the D/D number 2929 instead of 2529 in the D/D register. It is submitted by the concerned workman that, it was an inadvertent mistake, merely a procedural lapse, however, the Management with the ulterior motive to shield the higher officer made the workman scapegoat and made her responsible for the fraud that took place in which the culprits misutilised a D/D Book bearing Sr. No. 211101 to 211200 which was said to have been stolen from the Kalyan Branch. The concerned workman submitted that, admittedly, the said D/D Book was in the custody of Mr. Sathe. It is stated that, subsequently it was revealed that, the two sepoy viz. Shri Bobhaskar and Shri Ambre had stolen the blank D/D book and copy of Advice of Drawing Book and handed over to the culprits. It is contended by the 2nd Party that, the said two Sepoys who confessed to have passed on the Demand Draft Book and the AOD Book to outsiders, did not disclose any connection/collusion between her and them. It is also contended by the 2nd Party that, besides there was no reliable evidence at all against the concerned workman to establish her involvement in the fraud and therefore the workman has not been charge sheeted by the investigating agency i.e. C.B.I. till to date. It is further contended by the concerned workman that, it is pertinent to mention that, in connection with the fraud she had written a letter dated 29th July, 1993 to the Zonal Manager/Disciplinary Authority and brought few material facts to his notice. It is stated that, said was brought in to the notice of the Zonal Manager that, just few days before the fraud took place, as only four or five leaves remained in the D/D Book, she had approached her officer Mr. Sathe for a new D/D Book. Mr. Sathe told her that, there was no fresh stock available and at that time Mr. Jadhav (Second officer in D/D Department) who was in his seat immediately opened his drawer and took out some old D/D Books and instructed her to prepare the D/Ds from the same. It is stated by the concerned workman that, Mr. Sathe did not question Mr. Jadhav as to how those old D/D Books were still in his drawer and as to why those were not destroyed. The concerned workman submits that, those old D/D books should have been destroyed in the year 1988 itself as per the directives of BOI Zonal Office. It is contended by the concerned workman that, she also brought it to the notice of the Zonal Manager vide her above referred letter that when the fraud was detected she was threatened by the Branch Manager Mr. A. R. Sani and

Mr. Jadhav, asking her not to disclose anything about the old D/D books to the investigating agencies. It is contended by the concerned workman that Mr. Jadhav openly instructed her not to say anything in respect of the old D.D. Books which were lying in his drawer which she had seen and when the concerned workman refused to succumb to the pressure of Mr. Jadhav and told him that, she would not hide anything from the Investigating Officer, Mr. Jadhav rushed to the Manager Mr. Sani. It is further contended by the concerned workman that, on learning the incident of the old D/D books and that, the workman would be stating all the truth to the Investigating Officer, Mr. Sani called the concerned workman and threatened her with dire consequences and further threatened to implicate her in the fraud if she would say anything about the old D/D books to the investigating officer. It is further submitted by the concerned workman that, it was also pointed out by her in her above letter that, Mr. Sathe had subsequently confirmed that, he had noticed on the same day, the above clerical mistake of the workman of having written D/D No. 2829 instead of 2529, however, he deliberately did not rectify the same. It is further stated by the 2nd Party that, she has been hardworking, sincere, honest and faithful during the entire tenure of her service and no charge sheet, memo warning etc. was ever issued to her and her service record is clean, spotless, unblemished and without any stigma. It is contended by the concerned workman that, this time the only lapse on her part was that of committing the inadvertent clerical error of writing Sr. No. 2829 instead of 2529 which was not deliberate or willful but purely a procedural lapse and that she has no connection with the fraud as falsely alleged.

(5) It is contended by the concerned workman that, she was suspended vide order dated 23rd June, 1993 and she was denied full wages and other consequential benefits and paid bare subsistence allowance for a period of about 3 years without there being any departmental enquiry. She was issued charge sheet dated 12th March, 1996 and the departmental enquiry commenced on 25th June, 1996 on the alleged charges in connection with the fraud which were based on imaginary presumptions without there being any cogent evidence. It is submitted by the concerned workman that, it was mainly alleged that, she had deliberately skipped 300 numbers and written Sr.NM.2829 instead of Sr. No.2529, in the demand draft issue Register on page 79 which contained entries from 7-10-1992 to 10-10-1992 and that, the 7 forged Demand Drafts were prepared by the culprits on stolen Demand Drafts bearing printed No. 211101 to 211200, which were in the custody of Shri S.V. Sathe i.e. the officer of D/D department. She states that, allegation of not keeping valuable stationery in safe custody like demand draft advice book, bank address book and punching machine for which she was the custodian and for the same she was

held responsible. It was further alleged that, she had supplied Demand Drafts and Demand Draft advice Books to the defrauders and aided them with day to day running serial numbers of the Demand Drafts issuing branch to facilitate the culprits so that they would implant the same serial numbers in the forged demand drafts and that her said acts amounted to gross misconducts in terms of clause 19.5(b) & 19.5(i) of first Bipartite Settlement dated 19-10-1966.

(6) It is further stated by the concerned workman that, the Enquiry Officer started recording evidence after the lapse of about 5 years from the alleged fraud. It is alleged that, the Enquiry Officer was neither independent nor impartial and the enquiry was unfair, improper, in violation of principles of natural justice and merely an eye wash. Enquiry Officer refused to decide the submissions and protests made by her during the course of enquiry but surprisingly referred the same to the disciplinary authority stating that, he cannot give any rulings as regards the submissions of the defence are concerned because he was only required to conduct enquiry into the charges levelled against the concerned workman. It is alleged that, the copies of appointment letters in appointing Enquiry Officer and Presenting Officer were not furnished to her. It is alleged that, even procedure of the enquiry was not explained to her. It is alleged that, enquiry proceedings were not recorded properly and Enquiry Officer not only refused permission to the workman to get defended through an Advocate but even refused to record the same in the enquiry proceedings. It is contended that, the Enquiry Officer often refused to record the submissions/protests of the defence and most of the documents produced/relief by the management in the enquiry were not original but mere Xerox copies, which is violation of the settled procedure/practice were exhibited and blindly accepted by the Enquiry Officer and allowed to remain in the custody of the Presenting Officer thereby allowing every opportunity to the Management to tamper with the documents and/or deal with the documents in the manner they wished. It is alleged that, it is a matter of record that, the Presenting Officer even parted an original document, MEX-3 being the D/D register for the relevant period, with outside investigating agency without the permission of the Enquiry Officer. It is contended by the concerned workman that, the Enquiry Officer favoured the Management and did not give full and fair opportunity to the defence in as much as the vital documents demanded by the defence were not furnished, some vital documents demanded by the defence were not furnished, some vital questions put to the management witness during their cross examination were disallowed, crucial objections of the defence were over ruled, the management was given more than reasonable time and liberty for examining their witnesses but undue haste was shown at the time of defence evidence. It is contended that the Enquiry Officer

not only refused to furnish a copy but even refrained from giving inspection of the statement of Mr. Sathe, though the said statement was taken on record by the Enquiry Officer. It is contended that, the Enquiry Officer submitted his report and findings dated 19-3-1999 wherein he completely ignored the evidence brought on record by defence and the material lacunas in the evidence brought on record by the Management as well as the negligence, admitted and/or apparent violation of procedure laid down and various other irregularities on the part of the Management. It is further contended by the concerned workman that, the finding of the enquiry officer are absolutely perverse and without any relevant, reliable or valid evidence substantiating the charges levelled against the concerned workman. It is contended that, the Enquiry Officer erred in giving weightage to the depositions of Mr. Sathe (MW-2) though the same was hearsay evidence, vague, without necessary particulars, devoid of any merit and as a matter of fact inadmissible in evidence. It is submitted that, the Enquiry Officer perversely held it proved that the concerned workman had supplied the Demand Draft Book and Demand and ignored the confession statements of two Sepoys who had admitted to have passed on the Demand Draft Book and Demand Draft Advice Book to outsiders. It is further contended by the concerned workman that, the Disciplinary Authority though after considering the evidence available on record and after carefully scrutinizing the Enquiry report exonerated the workman of the charges of supplying Blank Demand Draft Book and Demand Draft Advice Book to outsiders and inspite of the fact that, in the said confession statements, the concerned Sepoys did not allege any connection/collusion between them and the workman and there was no valid or reliable evidence on record of the enquiry to prove that, the workman had passed on any information much less the vital information to the outsiders, the Disciplinary Authority shockingly upheld the said allegations as proved. It is further contended by the concerned workman that, similarly, though none of the Management witnesses in the enquiry uttered that, the workman was custodian of the Demand Draft Advice Book, Bank address book and Punching machine, the Disciplinary Authority upheld the allegations of negligence against the concerned workman in keeping safe custody of the same. It is contended by the concerned workman that, the Disciplinary Authority without appreciating judiciously the material on record, conveniently relied upon the perverse Report and findings of the Enquiry Officer and shockingly served the show cause notice dated 16-10-1999 to the concerned workman asking her to show cause as to why punishment of dismissal without notice be not inflicted upon her. It is contended by her that, she submitted her defence, however, the disciplinary authority disregarded the same and issued punishment order dated 30-11-1999 thereby dismissing her without notice. It is submitted by the concerned workman

that, extenuating and aggravating including the service record of the workman which was absolutely clean, unblemished and without any stigma were not taken into consideration while inflicting the punishment of dismissal which is illegal, improper, unjustified, malafide, excessive, harsh and disproportionate against the minor inadvertent clerical lapse on her part. It is contended by the concerned workman that, she appealed against the said punishment order but the same was not considered and the Appellate Authority mechanically upheld the punishment order, hence she is compelled to raise the present dispute.

(7) It is contended by the concerned workman that, the action of the management in dismissing her from service is not justified since the Management's action of holding departmental enquiry against her while investigation by CBI/BS&FC were in progress as regards the same subject matter. It is contended that, the departmental enquiry was unfair, unjust, improper and in violation of principles of natural justice. It is contended that, the enquiry officer was not acting freely, fairly and independently and he was passing inconsistent rulings at the different stages as regards furnishing the defence copy of the statement given by Mr. Sathe to CBI, the Enquiry Officer deprived the defence of their legal right to peruse the statement of Mr. Sathe, the officer of the D/D Department who was responsible for checking, verifying and supervising the work of the concerned workman given to the investigating Agency i.e. CBI inspite of the fact that, the management relied upon the said statement and copy of the same was also taken on record by the Enquiry Officer. It is also submitted that, her defence was deprived of the important documents including the voucher dated 10-10-1992 demanded by them to check the veracity of the evidence of MW-1 and the statement of Mr. Sathe and the same was ignored by the Enquiry Officer and the Disciplinary Authority. It is also contended by the concerned workman that Mr. Sathe being the first officer of the D/D Department who was responsible for checking, verifying and supervising the work of the D/D Department and custodian of the sensitive stationery of D/D Department including the D/D Books which were allegedly used by the culprits and thus directly concerned and connected to the fraud, was not examined by the Management in the enquiry despite the fact that, his name initially appeared in the management's list of witnesses. It is contended that, the findings of the Enquiry Officer were perverse. It is contended by the concerned workman that, she was arbitrarily discriminated in as much as the higher officers who were signing authorities and thus admittedly responsible for the D.Ds issued were shielded, whereas the workman was made the scape goat. It is further contended by the concerned workman that, the vital documents directly connected with the allegations against the workman in the enquiry i.e. confession of the Daftary Mr. Ambre and Mr. Bobhaskar were not at all looked into

by the enquiry officer, thereby causing serious prejudice to the concerned workman. It is also contended by the concerned workman that none of the management witnesses deposed that, the Demand Draft Register and other sensitive stationery remained in the possession of the concerned workman on the contrary the only concerned witness examined by the Management from Kalyan Branch i.e. Mr. Jadhav stated that, he was not in a position to say whether the demand draft register remained in the possession of the concerned workman during and after office hours besides, the Enquiry Officer ignored defence evidence on record that number of employees in the Bank handled the Demand Draft Register at different stages and time. It is further contended by the concerned workman that, the Enquiry Officer and the Disciplinary Authority failed to appreciate that Mr. Jadhav in his examination-in-chief nowhere stated that he recognizes the hand writing of the workman and he even could not identify the signatures of Mr. Sathe when the Management ought to have either examined Mr. Sathe in the enquiry or obtained the report of the hand writing expert to ascertain the authenticity of various signatures/initials of Mr. Sathe and in the absence thereof the Enquiry Officer ought not to have relied upon such documents. It is contended by the concerned workman that, the Enquiry Officer and the disciplinary authority have blindly accepted the statements of Mr. Jadhav in his evidence that certain exhibits did not bear his genuine signatures, without referring the same to the hand writing expert for confirmation and verification, it was so particularly in view of the admission of Mr. Jadhav that no person can sign same signatures continuously and every signature was bound to be slightly different from the other and the fact that enquiry was being conducted in the year 1997 pertaining to the fraud which took place in the year 1992. It is contended that, none of the witnesses examined in the enquiry alleged that, the clerical lapse on the part of the concerned workman of writing Sr. No.2829 instead of 2529 was deliberate.

(8) It is further contended by the concerned workman that, the Enquiry Officer and the Disciplinary Authority failed to evaluate the evidence of CBI Officer (MW-3) which was absolutely vague, without any material particulars and unbelievable that the so called disclosure of Mr. Vakharia involving Mrs. Vachani was not recorded. It is alleged that, the evidence of MW-3 in this regard was inconsistent/contradictory and thus not worthy of reliance. It is contended by the concerned workman that, it was the admitted position as also confirmed by MW-1 that, as per the Manual of instructions of Bank of India it was the responsibility of the concerned signing officers to check and initial each of the entry in the drawing Advice, thus the officers were to be held responsible to the greater extent than the workman for the lapse. It is alleged that, the punishment given to the workman only and that too of such a extreme and harsh punishment of dismissal is

without notice amounted to victimisation and indiscrimination. It is contended that, the evidence of C.B.I. officer (MW-3) was on the basis of hearsay evidence. It is alleged that, apart from being vague, devoid of any merit and inadmissible in evidence, hence the same ought not to have been given any weightage and the findings of the Enquiry Officer relying upon his evidence are liable to be set aside. It is contended by the concerned workman that, MW-3 Mr. Sinha suppressed the vital material in his evidence i.e. the confession of the Sepoys that, they had stolen the D.O. Books and Draft Advice Books and passed on to the culprits and further that, those Sepoys had not even remotely alleged collusion/nexus with the concerned workman. It is contended that, the Enquiry Officer failed to evaluate that, though the C.B.I. officer Mr. Sinha deposed having taken action against the workman relying on the alleged unrecorded disclosure by Mr. Vakharia, however, said witness did not utter anything in his evidence about the action if any taken against Mr. & Mrs. Khoja for allegedly becoming the abettors to the fraud. It is submitted by the concerned workman that, the disciplinary authority failed to appreciate that, no charge sheet was issued by the CBI against the concerned workman and did not take cognizance of the admissions of the MW-4 in the enquiry that the Demand Draft Register was accessible to other staff members of the branch. It is contended by the concerned workman that, the Enquiry Officer disregarded the defence evidence in his report on the ground that it was out of the purview of his consideration. It is contended by the concerned workman that, the disciplinary authority and the appellate authority failed to appreciate as to what was the motive on the part of the officers in not destroying the old D.D Books (bearing printed Nos. 211101 to 211200) and retaining the same with them, though the same were required to be destroyed as per the clear directives of the Zonal office, BOI and the concerned authorities should have given due weightage to the fact that, the fraud could not have at all taken place in absence of said old D.D. Books which were culpably retained and stolen and they also failed to take cognizance as to why Mr. Jadhav and Mr. Sani threatened the workman not to reveal anything to the investigating agencies about the said old D.D. Books lying in possession of the officers.

(9) It is further contended by the concerned workman that, the Rules and regulations laid down by the Reserve Bank of India as well as the instructions laid down by the Bank of India authorities were being violated by the officers as established from the evidence in the inquiry and confirmed by the Enquiry Officer in his report. It is alleged that, the Disciplinary Authority ought to have appreciated as to what was the object of the authorities who prepared the manual of instructions in laying down that the entire onus of verification, scrutiny, checking and initiating the concerned entry of the demand drafts was on the

authorised officials who were signatories and not the clerks who due to load of work were likely to make the clerical errors. It is contended by the concerned workman that, the disciplinary authority not only simply ignored the admission of MW-1 during cross-examination that errors/mistakes such as frequent wrong writing/wrong carry forward/contra numbers/wrong posting in wrong account/wrong postings of credit in to debt or vice versa/skipping of numbers were common on the part of the Bank staff in each branch. It is contended by the concerned workman to consider the statement of Mr. Jadhav (MW-1) that, he never used to check the DD. register on regular basis thereby admitting gross violation of Rules and procedures. It is contended by the concerned workman that, the Enquiry Officer instead of taking note of the gross violation of the rules and procedure laid down by the authorities and taking adverse view of the officer's instructions not to send DD Register along with the DD prepared and that they would sign the same at the end of the day, used the same at the prejudice of the concerned workman. It is submitted by the concerned workman that, contrary to the material on the record of the enquiry and the settled principles of law that the onus to prove the documents/ allegations was on the person producing the documents/making allegations, the Enquiry Officer in his report and findings have perversely arrived at the conclusions that, the various documents produced by the management and the depositions of the management witnesses were not denied or disputed by the defence/accepted and admitted by the concerned workman without there being any such declaration on record from the defence. It is further contended by the concerned workman that, the finding and the conclusion arrived at by the Enquiry Officer and concurred by the Disciplinary Authority, that the clerical error of the workman was deliberate and further that the information was passed on to the outsiders/culprits by the workman was based on sheet presumptions, without any legal and valid and reliable evidence. It is further contended by the concerned workman that, the Enquiry officer and the disciplinary authority and the appellate authority blindly accepted the part of the deposition of the CBI Officer, Mr. Sinha (MW-3) which suited the case of the management but conveniently ignored his deposition that, the Telex sent on 29-10-1992 by the BOI PCC Ahmedabad to the BOI Kalyan regarding the genuineness of the DD issued in favour of P. Kanubhai & Company, which telex message was duly received by the Kalyan Branch however no action was taken by Shri S.V. Sathe or by Shri A.R. Sani till 7-11-1992 and further deposition of the MW-3 that had they taken timely action the Bank could have saved substantial amount and the culprit would have been also caught and his further depositions that all this shows climax of the officers with the culprits and guilt of the officers. It is further contended by the concerned workman that, due to stigma of dismissal she could not succeed in

getting any alternative employment and she has been unemployed and undergoing economic strangulation and the concerned workman prays to set aside the dismissal order dated 30th November, 1999 with directions to 1st Party to reinstate her with benefits of continuity of service and back wages.

(10) This is disputed by 1st Party by filing written statement at Exhibit 8 stating and contending that, the concerned workman while working at their Kalyan Branch was suspended vide order dated 23rd June, 1993 for allegations of her involvement in serious misconduct which was put off under CBI investigation and she was issued charge sheet dated 12-3-1996 for her acts of misconduct viz. for her unauthorised disclosure of information regarding the affairs of the Bank or any of its customers or any other persons connected with the business of the Bank which is confidential or the disclosure of which is likely to be prejudicial to the interest of the Bank or gross negligence or negligence involving or likely to involve the Bank in serious loss. It is contended by the 1st Party that full fledged departmental enquiry was conducted against her in which she has participated along with her defence representative and she was given full opportunity to defend/refute the charges levelled against her by cross examination of the management representative and producing her own witness. It is contended by the 1st Party that, the enquiry was conducted in accordance with the principles of natural justice and the Enquiry Officer vide his findings dated 19th March, 1999 held her guilty of the charges levelled against her. It is contended by the 1st Party that, the Enquiry Officer's findings are speaking report clearly setting for the reasons for the conclusions arrived at by him, copy of the findings was served on the concerned workman along with show cause punishment notice dated 16th October, 1999. It is contended that, the concerned workman was also given personal hearing on 2-11-1999 which she attended along with her defence representative. It is contended that, on her request she was also allowed to make her written submissions on the proposed punishment. It is further contended by the 1st Party that, on considering her submissions, both written and oral, the disciplinary authority vide orders dated 30th November, 1999 imposed the penalty of dismissal without notice on the workman considering the gravity of the misconduct and other relevant records.

(11) It is contended by the 1st party that, it is a financial institution and the workman was holding a position of confidence and trust, considering the nature of allegations levelled and proved against her it was not possible for the 1st Party to repose any confidence and trust in such an employee. It is contended that, it was, therefore, justified in imposing the punishment of dismissal on the concerned workman and request that, the reference should be rejected.

(12) It is contended by the 1st Party that, by reference to the specific issue that has been referred to this Court as to whether, the action of the Bank justified and the issue as regards legality of the enquiry and findings has not been referred for adjudication hence, this Court cannot look into the fairness of the enquiry and the legality of the findings. It is contended by the 1st Party that, the procedure adopted by it constitutes 'legality' of the action and since the issue of legality has not been referred the question of looking into the enquiry and the findings does not arise. It is contended by the 1st party that, the only issue for consideration is, therefore, as to whether looking into the nature of misconduct proved against her 1st Party was justified in dismissing her from employment and submitted, that, in case this Court holds that, the enquiry is not fair and proper and/or the findings are perverse 1st Party be granted an opportunity to lead evidence before this Court to prove the charges.

(13) It is contended by the 1st party that, the concerned workman joined its services w. e. f. 1-4-1985 at its Ulhasnagar-5 Branch and not in April, 1985 as stated by her and as regards her own projection about her work performance during the period of employment, 1st Party has nothing to comment and confirm rest of the contents regarding her posting/work allotment etc. as stated by 2nd Party. 1st Party also confirmed the initial contents of para-2 of Statement of Claim upto her working in the D.D. department and submitted that, as stated in the charge sheet dated 12-3-1996 the custody of the punching machine and Bank Address Book was with the workman and not with Shri Sathe, Officer of Kalyan Branch and the DD Book, Pay Slip issue book and CAN used to remain in the custody of the workman during office hours which has been proved in the enquiry. It is contended that, as stated in the charge sheet dated 12-3-1996 2nd Party was entrusted with the work of issuance of Demand Drafts, supplementary etc. which were in her custody and was responsible for maintaining Draft advice to the concerned branches whenever drafts are issued from Kalyan Branch and she was also custodian of DD punching machine and bank address book which are exclusively used for issuance of drafts, hence the allegation/contention of the concerned workman about responsibility of the Bank officials are denied.

(14) It is contended by the 1st Party that, it had initiated appropriate disciplinary action against sub-staff members viz. Shri Bhopbaskar and Shri Ambre and both have been dismissed from the service of Bank. It is contended that, however, this does not absolve the concerned workman from the acts of misconduct committed by her because the charges levelled against her have been proved in the departmental enquiry held against her. It is further contended by the 1st party that, it has been proved in the departmental enquiry that the concerned workman has supplied the information

pertaining to current DD numbers skipped by her and supplying its information to outsiders. It is stated that, it is a very natural presumption because she was the only person to allot the DD numbers, how an outsider can use the same numbers on the stolen DD leaves, hence the contention of the concerned workman that it was a procedural lapse and an inadvertent mistake is nothing but an afterthought. It is contended that, the concerned workman's plea for shifting responsibility on Shri Sathe, officer and putting blame on other 2 sepoys is also nothing but an afterthought since during the reconciliation proceedings, 1st Party had struck to its stand of holding responsible to the workman solely responsible for the entire episode. It is contended that, the concerned workman has changed her stand and has tried to put the blame on other staff members. It is contended that, the question of not filing charge sheet by the CBI officials is not within the purview of the bank. It is contended by the 1st Party that, Bank has framed the charges against the concerned workman, held departmental enquiry against her even proved the charges against her, CBI has not filed charge sheet against her it is not absolve her from the acts of misconduct which are proved in the departmental enquiry. It is contended that, moreover, involvement of the concerned workman has been categorically proved in the inquiry held against her. CBI officer Mr. Sinha was produced during the enquiry as MW3 and has given evidence against her for skipping 300 numbers in the DD register defrauding the Bank by means of stolen DDs.

(15) 1st Party denied that, the concerned workman was innocent and that skipping 300 Nos. in DD register has not been deliberate act and that it was procedural lapse etc. as contended by the concerned work. It is further contended by the 1st Party that, the concerned workman was placed under suspension vide suspension order dated 23-6-1996 and departmental enquiry was ordered against her on 30-11-1999 because outside agency VIZ. CBI had started investigations into the alleged fraud matters of DD at Kalyan Branch and she was paid appropriate subsistence allowance during the period of her suspension i.e. from the date of her suspension w.e.f. 23-6-1993 till her dismissal order dated 9-6-2000.

(16) 1st Party denies the allegations made by the 2nd Party against the Enquiry Officer/Presenting Officer and submits that, the concerned workman was given every opportunity by the Enquiry Officer during the enquiry proceedings to defend her case. It is contended that, since the Presenting Officer had to present the Management case, the original documents were in his presence and there is no question of tampering the same as alleged by the concerned workman. It is contended that, CBI is an independent agency and do not require permission of the Enquiry Officer and objection ought to have been raised at that time before the enquiry officer and not at this stage. It is contended by the 1st Party that the original documents

were inspected by the concerned workman along with her defence representative on 14-2-1997 as recorded on page 7 of the proceedings and no objections whatsoever were recorded by them. 1st Party denies that, the Enquiry Officer relied on only documents, copies of which were not given to the concerned workman. 1st Party denies that, the concerned workman was not given fair opportunity to defend her case. It is contended that, initially the concerned workman appointed advocate A.N. Adwani as her defence representative but he did not appear for any of the proceedings and then she was defended by Shri R.W. Shah and during personal hearing the concerned workman brought another Defence Representative Shri Vijay Pardeshi, therefore, it cannot be said that fair opportunity was not given to the concerned workman. Even in SCPN dated 16-10-1999 the DA on page 2 has already mentioned about the same.

(17) It is contended by the 1st Party that, she was defended by Shri R. W. Shah, the Union Representative but during personal hearing she changed her Defence Representative who defended her during enquiry and brought another defence Shri Vijay Pardeshi who in his written submissions dated 4-2-2000, produced by him at the time of personal hearing contending that, the concerned workman became suspect because she was in possession of the draft register and other needful items. This statement of workman's Defence Representative itself proves that, the workman was in custody of DD register and other items alleged in the charge sheet issued to her, Mr. Sinha, CBI officer, finds truth in the statement of main accused Mr. Vakharia when he connects Mrs. Vachani as his accomplice, as regards slippage of 300 numbers, in DD register the concerned workman, in her statement dated 23-1-1996 obtained by CBI had categorically mentioned that, she made entries dated 10-12-1992, serial numbers upto 2528 were written correctly by her but she has made mistake in writing next numbers as 2829 instead of writing of 2529 thus the serial numbers were increased by 300 numbers which was her mistake, and that these drafts were of old format which were not being used and that the punching machine was also missing which was normally in her custody. It is contended by the 1st Party, therefore, on the basis of the said admissions of the concerned workman, the Enquiry Officer has rightly held the charges as proved against the concerned workman, hence it cannot be said that, the findings of the Enquiry Officer are perverse and the Disciplinary Authority in its penalty order dated 30-11-1999 agreed with the findings given by the Enquiry Officer except to the extent that the concerned workman has not passed on the Bank DD Book and advice of drawing book to the outsider.

(18) It is contended by the 1st Party that, the Management of Bank of Raigad-Thane Zone has dismissed the concerned workman but the punishment order was issued by the Zonal Manager, Mumbai North Zone & DA

and not by the Zonal Manager, Raigad-Thane Zone. Kalyan was earlier under the jurisdiction of Mumbai North Zone and hence the Zonal Manager, Mumbai North Zone was the disciplinary authority in the case of the concerned workman and now since-1-6-2002 Raigad-Thane Zone has been set up and Kalyan is now under the jurisdiction of Raigad-Thane Zone. It is contended by the 1st Party that, it is because of gross misconduct on the part of the concerned workman seven demand drafts, each of Rs. 9 lakhs were encashed fraudulently and the Bank was defrauded to the extent of Rs. 63 lakhs, hence the punishment awarded to the concerned workman is just and proper as misconduct has been proved in the enquiry proceedings. It is contended by the 1st Party that, the departmental action and criminal proceedings are independent of each other and in the absence of any stay order by the Court of Law, the Disciplinary Authority is free to exercise its lawful powers and can proceed with it even during pendency of the criminal case and fair opportunity was given to the concerned workman to defend his case. It is contended by the 1st Party that, whatever witnesses P.O. felt necessary were produced by him before the Enquiry Officer. It is contended by the 1st Party that, the Enquiry Officer in his findings has observed that, it has been established that, the concerned workman was responsible for maintaining Demand Draft register on day to day basis, issue DD advice on concerned branches whenever draft was issued by Kalyan Branch, maintaining/recording of entries in the DD Register, have custody of relative material such as punching machine and Bank address book, there is skipping of 300 numbers, during the year 1991 and 1992. DD Registers and blank DDs were kept by the concerned workman which facts are not denied by the representatives of the concerned workman and all the allegations made by the concerned workman with regard to the findings of the enquiry officer and contends that principles of natural justice were followed, full and fair opportunity was given to the concerned workman and the findings of the Enquiry Officer are based on the documentary and oral evidence brought on record of the enquiry, concerned workman has not produced any documentary evidence to substantiate/disapprove the charges, hence the punishment awarded of dismissal is just and proper and commensurate with the gravity of the misconduct proved against her in the enquiry and the reference require to be rejected.

(19) Rejoinder is filed by the 2nd Party at Exhibit 9 making out the same story regarding enquiry and finding given by the Enquiry Officer. She also makes out her case about transaction going on in the Bank and go on saying that how she is not responsible for the alleged misconduct. So she pray to declare enquiry not fair and proper and finding perverse. She also prays to set aside termination with a request to direct 1st Party to take her back in the employment with all benefits.

(20) In view of the above pleadings Issues were framed by my Ld. Predecessor at Exhibit 12. Out of those Issues Nos. 1 and 2 are treated as preliminary issues which are on the point of fairness of enquiry and perversity of findings which I answer as follows :

ISSUES	FINDINGS
1. Whether the domestic enquiry conducted against the workman was as per the principles of natural justice?	Yes
2. Whether the findings of the Enquiry Officer are perverse?	No

REASONS :

ISSUES NOS. 1 & 2 :

(21) 2nd Party claims that, she worked with 1st Party initially as Typist when she joined in April, 1985 at Ulhasnagar Branch. Her case is that, then she was transferred after 6 years to Kalyan Branch in the month of April, 1991. She states that, she was discharging her duties as per instructions given by Branch Manager, Kalyan. She alleges that, said Kalyan Branch was shifted to new premises on 17-8-1991 and she continued to work on S/B counter at the new premises of Kalyan Branch. Her case is that, in April, 1992 she was assigned the duty at D.D. issuing counter and was continued to work there till 7-11-1992 and then she worked in Terms Deposit and in General Reserve etc. The case of the 2nd Party is that, she was performing duties as a Clerk at DD counter. According to her that time Mr. Sathe, officer, was Incharge of D.D. Department and Mr. K.S. Jadhav was the section officer. She claims that, Shri Sani was the Manager of Kalyan Branch. She claims that, main work of the concerned workman while working at D.D. counter in the capacity of the Clerk in brief was on commencement of the work to receive D.D. books, P/S D.D Books, P/S issue books and one CAN from said Mr. Sathe in whose custody all those Books used to remain. It is her case that, on receipt of the application from the customers she used to prepare the Exchange voucher and then used to send the Exchange voucher and Green colour application form to the officer for signature. It is her case that, if the customer was paying cash, she used to send green colour voucher and exchange vouchers through customers for scrolling and deposit of cash. She claims that, if customer was paying through cheque she used to send the cheque on particular counter. It is her case that, in the meantime referring the original white colour application form, she used to prepare the D.D. after entering details in the D.D. issue register. She claims that, she also used to make entries of the Branch serial number of D.D. to be issued. It is her case that, after getting the counterfoil of the paying-in-slip from the customer, she used to send the D.D. to the officer (Mr. Sathe) for checking and signature of the officer on the D.D. She claims that, if the D.D. was meant for the

amount exceeding Rs.10,000 she used to obtain 2nd signature from the second officer i.e. Mr. Jadhav as required and she claims that the D.D. was then handed over to the customer after getting signature of the customer on the reverse of the white copy of the application form. It is her case that, as provided in the Manual of instructions of the Bank of India it was the responsibility of the concerned signing officer i.e. Mr. Sathe and Mr. Jadhav and to check and initial the concerned entry in the Drawing Advice before the D.D. was handed over to the customer. It is her case that, at the end of the working hours the sensitive documents/stationary was handed over by the concerned workman to the officer for safe custody. It is her case that, work on D.D. counter at Kalyan Branch was very heavy and she was required to prepare nearly 30-40 D.Ds in a day and counter was situated at the corner of the passage to the inner banking hall in front of access to the Manager's cabin. It is her case that, D.D. counter was most insecure and unsafe with sensitive stationary as so many persons were passing from that area. It is her case that, when she was to leave the seat to attend Manager's call, telephone call or to attend natural call, she has to keep the sensitive stationery in her drawer without lock and key. It is her case that, though the sensitive stationary and the documents were lying with her when she was working during the day and while leaving the work place she was supposed to keep them in the drawer without lock and key. It is her case that, there was every apprehension that, someone may take disadvantage of unattended sensitive stationery and documents to misuse it. It is her case that, customers as well as other persons were having very easy asses to the said sensitive documents. She claims that, one Mr. Ambre used to work there and he was having very easy assess to the said sensitive documents and stationery. Even she alleges that, when she handed over the documents to the officer who was supposed to keep them in the safe custody was not checking the same immediately and was not keeping it in the lock and key. It is her case that, when DD books or advice of the Drawing Pad were exhausted and the demand was made for fresh stock, no proper procedure was followed to ensure safety and security of the sensitive stationery. It is her case that, the concerned officer used to supply the sensitive stationery even through the Sepoy who used to asked by the officer for opening the cupboard or closing it were aware that, such a sensitive stationery is kept there. It is contended that, there is no proper security arrangement in the Branch. Even she alleges that, during lunch break the staff which included right from the Sepoy, Clerk and other officers used to gamble with stake of money in the Bank premises. She also alleges that, at the time of shifting of the Branch stationery and furniture and other sensitive stationery was loosely placed which can be very much touched by any of the staff or customer. It is her case that, some stationery like Advise of Drawings, Debit Notes and Branch Index Books, D/D punch, D/D register

were lying on the D/D Counter or in the drawer without lock and key, having free access to all the staff members. It is her case that, there was total chaos and the working environment, safety and security conditions were pathetic where she was working in such responsible post. According to her due to the above said working conditions she did not notice tampering and committed clerical error on 10-10-1992 while writing D.D. numbers 2829 instead of 2529 in the D.D. register. According to her, it was inadvertent mistake on her part. It is her case that, merely due to procedural lapse in writing which the Management with ulterior motive to shield higher officials she was made scapegoat and on that point prosecuted her. She alleges that, D.D. book bearing Nos. 211101 to 211200 which was said to have been stolen from Kalyan Branch for which she was not responsible. According to her said D.D. book was in the custody of Mr. Sathe. It is her case that, besides subsequently it was revealed that 2 Sepoys viz. Bhosarkar and Ambre had stolen those. So she claims that, there is no evidence to hold her guilty of the said theft. It is her case that, false charges were levelled against her. It is her case that, she was not responsible for the same. It is her case that, enquiry was not fair and proper. It is her case that, no case was made out before enquiry officer and no evidence was there before Enquiry Officer. It is her case that, even witnesses produced before Enquiry Officer were not made available to her for cross it to scrutinize it. She denies that D.D. were from the stolen D.D. numbers books. It is her case that in fact Shri Sathe was the custodian of the said documents, however, he was neither questioned by the Bank nor by any Authority.

22. According to her evidence recorded by the Enquiry Officer was started after 5 years of the incident and no reason was given as to why there was such a huge gap in proceeding with the enquiry. She states that, she was suspended without following due process of law. Bank did not pay her suspension allowances.

23. To prove that, she placed reliance on her affidavit filed at Exhibit 19 in lieu of her examination-in-chief where she narrates all the above story. She further states, that documents like statement of Sinha, D.D. vouchers, original of DD Register, preliminary enquiry report, statements of Shri Ambre, Daftry and Shri Bavaskar another sub-staff recorded during preliminary enquiry were not given to the concerned workman. She claims that, she demanded all the documents during the enquiry, however, she claims that, those were not given to her by the enquiry officer. In the cross she states that, she replied the charge sheet. It is case of the 1st Party that, she did not reply the charge sheet. She undertook to produce copy, however, it is not on record. She admits that, chance was given to defend her case through representative. She admits pages 35 to 125 bearing her signature and signature of her defence

representative. She admits that, at that time she did not dispute the enquiry. She admits that, she did not question the fairness of the enquiry. She admits that, opportunity was given to her to bring her witnesses. She admits that, chance was given to her to examine Management's witnesses. She admits that, copy of finding was given to her. She admits that, personal hearing was given to her. She admits that, she attended the same with her representative. She admits that, she filed appeal against the finding of the Enquiry officer and the decision taken by the Management on it. Against that, Management filed affidavit of Anil Anant Dere at Exhibit 21, However, said was dropped by the Management and the Management examined another witness viz. Rajesh Sharma by filing his affidavit, in lieu of his examination-in-chief, at Exhibit 22 who states that, enquiry was fair and proper and finding not perverse. He claims that, full opportunity was given to the concerned workman and he speaks about the enquiry and fairness and opportunity given to the concerned workman. He admits that, he acted as Presenting officer. He states that, copy of statement of Sathe was not supplied to the workman. He also admits that, copy of preliminary enquiry report was not given to the concerned workman. Even he admits that, copies of statements of Ambre and Bavaskar were not supplied to her. He also admits that Sathe was not produced for cross. He admits that, there was evidence of K. N. Sinha, Investing Officer. While answering all these questions the concerned witness volunteers and states that, the said documents were not demanded by the concerned workman so they were not provided to her. On that, 1st Party closed evidence by filing closing purshis at Exhibit 23.

24. Written arguments are filed by the 2nd Party at Exhibit 24 and by 1st at Exhibit 28 with citations.

25. Here position of the concerned workman in the employment of the 1st Party appears rather of important nature. She was signed the work of preparing DD etc. Besides, it appears that, she was custodian of such sensitive stationery like D. D vouchers, DD Books DD Registers, DD punching machine. She was working on the DD counter. She was preparing DD and after getting it signed by the concerned officer she used to hand over the same to the customers. The charge of missing 300 DD numbers was levelled against her. Her case is that Mr. Sathe was custodian of the said. She also alleges that, there was no proper safety and security to the documents. Her case is that, all documents were lying unattended, even during interval/lunch break. It is her case that, even officer who was custodian of the DDs and all said sensitive documents and was not checking after receipt of those and nobody was responsible for all that. According to her customers and other staff members were having very easy access to such sensitive stationery and documents.

However, evidence brought on record reveals that, when she was custodian and responsible for the safety of the documents naturally theft of documents which took place during her service period require to consider. Evidence brought on record by number of witnesses reveal that, concerned workman was having control over the custody of said documents and is responsible for the said. Moreover, proceedings produced by the Management with Exhibit 13 more precisely from page 21 to 207 reveals that, number of documents were produced in the enquiry. Number of witnesses are examined by the Enquiry Officer. All this reveals that, opportunity was given to the concerned workman to cross examine the witnesses brought by the Management. Even in the depositions concerned workman admits that, opportunity was given to her to cross examine the witnesses and she did not complaint about inquiry and procedure followed in the inquiry.

(26) Here case of the 2nd Party is that, documents like copy of statement of Sathe recorded by Investigating Officer, DD vouchers (original), DD registers, originals of documents, even enquiry report and statements of Ambre and Bavaskar were not provided to her. However, it is not shown how those were concerned to show that, she was unnecessarily involved in the enquiry. On the contrary she states that, she did not complained about inquiry. In fact charge levelled against the concerned workman is that, while she was on duty as a Clerk in Kalyan Branch from 27-4-1991 to 2-7-1993 she committed misconduct while she was entrusted with the work of issuing DD, LMO supplementary and other work as per the duty registers. It is also alleged that, she was responsible for maintaining DD registers on day to day basis. Issue of DD advices to the customers to the concerned Branch whenever Draft was issued from Kalyan Branch and she was custodian of punching machine and Bank addresses book which were used for issue of drafts. It is also alleged that, DD issue register of Kalyan Branch during her tenure was prepared by her from 7-10-1992 to 10-10-1992 wherein she has written Serial No. commencing from 2523 which concluded till of 2528 and by that she skipped 300 numbers of DD. It was also alleged that DD were prepared during her tenure. When such a serious charge is levelled against the concerned workman, when Bank issues DD on receipt of the amount from the customer, that means, Bank assures customer that amount mentioned in DD is received in the Bank from the customer and that amount is safe in the Bank by issuing such drafts. It is duty of the 2nd Party to help the customer in saying that, the amount which was mentioned on the DD is as if it is in the Bank and during that period there was transaction of 7 lakhs which was connected with the work of the concerned workman for which the Bank has to suffer for the said amount. Evidence brought on record reveals that, witness examined by the Bank were speaking about the concerned workman and about her

work. Nature of charges levelled against the concerned workman which are of very serious nature concerning with the Banking transactions. Evidence brought on record reveals that, the concerned workman was responsible for that. Even finding given by the Enquiry Officer produced with Exhibit 13 more precisely internal pages 1 to 19 reveals that, Enquiry Officer discussed evidence which was placed before him. He referred to all the witnesses, documents and evidence led by both and concluded how concerned workman is guilty of the charges levelled against her. Even he narrates the role played by the concerned. workman and discussed how he concluded that the concerned workman is guilty of the said charges. So according to me evidence led is more than sufficient to conclude that, the finding was not perverse. As stated above merely making allegations of not producing the copy of statements of Sathe and copy of preliminary enquiry was not the base of the finding given by the Enquiry Officer. On the contrary enquiry officer independently consider the evidence placed before him and read it along with evidence led before him and the evidence which was placed by Investigating Officer. It was not that, the Enquiry Officer solely relied on the report of the Investigating Officer or mere on statement of Mr. Sathe. If at all, that was the case then one can understand there is substance in saying that by not supplying copies of those it affect on finding. However, here Enquiry Officer did not simply rely on the copy of the Investing report as well as on the statement of Mr. Sathe. He independently considered those and the evidence led before him and concluded that, the concerned workman was found guilty of the charges levelled against her.

(27) Number of citations are produced by the Advocate for the 1st Party which are on the point of fairness of enquiry and finding of the Enquiry Officer. I think there cannot dispute on ratio laid in the citations relied by 1st Party's Advocate. So I did not feel it necessary to reproduce the same.

(28) Considering the case made out by both and evidence led by both I conclude that, enquiry is fair and proper and finding not perverse. So I answer the issue accordingly and passes the following order :

ORDER

- (a) Enquiry is fair and proper;
- (b) Finding of the Enquiry Officer is not perverse;
- (c) Both the parties are directed to appear in the Reference on the point of quantum punishment.

Bombay

27th November, 2009

A. A. LAD, Presiding Officer

नई दिल्ली, 13 जनवरी, 2010

का.आ. 401.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 122/2001 को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-1-2010 को प्राप्त हुआ था।

[सं. एल-40012/68/2001-आईआर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 13th January, 2010

S.O. 401.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 122/2001) of the Central Government Industrial Tribunal -cum- Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workmen, which was received by the Central Government on 13-1-2010.

[No. L-40012/68/2001-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT LUCKNOW

PRESENT

N. K. Purohit, Presiding Officer

I. D. No. 122/2001

Ref. No. L-40012/68/2001-IR(DU) dated 02-07-2001

BETWEEN

Shri Rajesh Kumar S/o Sh. Jagan Lal
Town Richa Tehsil Behari
Distt. Bareilly (U.P.) 243001

AND

The District Manager
Telecom Department, Bareilly
Bareilly (U.P.) 243 001

AWARD

31-12-2009

1. By order No. L-40012/68/2001-IR (DU) dated : 02-07-2001 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this

industrial dispute between Sh. Rajesh Kumar S/o Sh. Jagan Lal, Town Richa Tehsil Behari, Distt. Bareilly, Bareilly (U.P.) and the District Manager, Telecom Department, Bareilly, U.P. for adjudication.

2. The reference under adjudication is as under ;

“Whether the action of the Management of Telecom in terminating the services of Shri Rajesh Kumar S/o Sh. Jagan Lal w.e.f. 4-05-98 is justified and legal ? If not to what relief he is entitled to ?”

3. The case of the workman, is that he was appointed as regular Safai Karmchhari by the opposite party w.e.f. 1-04-1992 for performing regular and perennial work and was given appointment letter to the effect. It has been submitted by the workman that he was paid salary on monthly basis, initially @ Rs. 139 and at the time of termination @ Rs. 1500 per month and he kept insisting for his regularization. It has been alleged by the workman that on his repeated request to regularization, all papers pertaining to the service, including appointment letter, were called for by the opposite party and were destroyed by setting fire. Thereafter, his services were terminated, orally, w.e.f. 4-05-1998 without assigning any reason or notice or notice pay in lieu thereof in violation to provisions contained in Section 25F of the I.D. Act, 1947. Further it has been alleged by the workman that the opposite party did not adopt policy of last come first go and has retained other workmen junior to him, which invites violation of provisions of Section 25-G of the I.D. Act. Accordingly the workman has prayed that his oral termination be set aside with all consequential benefits, including full back wages.

4. The opposite party has refuted the claim of the workman by filing its written statement wherein it has submitted that the workman was never appointed as Safai Karmchhari nor given any salary, rather he was engaged as a part time sweeper and was paid accordingly out of the contingent fund of the Department. It has been submitted by the opposite party that when the Telephone Exchange shifted to new premises, the engagement of the workman automatically stood terminated. The opposite party has raised objection against maintainability of the present case as there exist no employer-employee relationship between the opposite party and the workman and accordingly it has prayed that the claim of the workman be rejected without any relief to him.

5. The workman has filed rejoinder wherein it has introduced nothing new, apart from reiterating facts already stated in the statement of claim.

6. The parties have filed documents in support of their respective claim. The workman has examined himself whereas the opposite party examined Sh. G.L. Mitra, SDE in support of their respective stands. The parties filed their written arguments in support of their case. The opposite party did not turn for oral submission where as the workman's representative made its oral submissions.

7. Heard representative of the workman only and scanned the entire evidence on record.

8. Learned representative on behalf of the workman has submitted that the workman initially appointed as regular Safai Karmchari on 1-4-92 for maintenance and cleanings. He used to work for 8 to 12 hours per day and he was paid Rs. 139 per month. The workman had worked continuously from 1-4-92 to 4-5-98 and he had worked more than 240 days in each year despite this the opposite party has terminated his services in violation of Section 25F & 25G of the I.D. Act. He has further submitted that money order slips of the wages received by the workman and other documentary evidence submitted by the workman support the claim of the workman, therefore, the workman be reinstated with back wages and other consequential benefits.

9. Per contra, the learned representative on behalf of the opposite party has urged that the workman was never appointed as Safai Karmchari nor given any salary. He was engaged only as part time Sweeper for the purpose of cleaning at Telephone Exchange at Richa and was paid accordingly out of contingent fund. He has further submitted that he used to work only for period of less than one hour. The allegations made by the workman that the appointment letter and other original documents were burnt by Sh. G.L. Mitra, SDE false and concocted.

10. I have given my thoughtful consideration on the rival submissions made by the learned representatives of both the sides.

11. The workman has stated that he was initially selected and appointed as regular Safai Karmchari on 1-4-92 at Richa, Bareilly by the Telecom Department, Bareilly for performing regular and perennial work. His appointment was regular in nature and he was paid salary on monthly duration alongwith other regular employees. He has further stated that monthly salary/wages was initially commuted @ Rs. 139 per month which was subsequently enhanced to Rs. 202 per month. He has also submitted that appointment letter was given to him but he has alleged that on 1-4-98 Sh. G.L. Mitra, SDE asked to him to bring all papers pertaining to the service including appointment letter for regularization of the service but after submission of the original documents. Sh. G.L. Mitra had destroyed the same by setting fire. The workman has also stated that his services have been terminated on 5-05-98 without any notice.

12. The workman has produce money order slips for the year 1994 to show that he was receiving salary from the Telecom Department. Upon perusal of the above slips it reveal that only month and year and amount are mentioned therein. It is not evident from the above slips who has received the amount. On the basis of said money orders slips it can not be inferred that they are pertaining to the payment of wages to the workman.

13. The letter dt. 13-10-95 of Telecom Department Engineer, Bareilly (Paper No.4/9) submitted by the workman reveals that workman was working as part time sweeper in Richa Telephone Exchange and he was getting Rs. 139 as wages from 1-4-92 to 30-6-92 and Rs. 149 from 1-7-92. He has produced a photo copy of calculation of due wages (Paper No.4/10) wherein it is mentioned that workman was a part time sweeper, therefore, the statement of the workman that he was appointed as a regular Safai Karmchari does not find support from documents submitted by him.

14. The management witness Sh. G.L. Mitra has denied the allegations that he had destroyed original documents of the workman by setting fire on 1-4-98. The workman has not stated in his statement that he made any complaint to the higher authorities in this regard just after occurrence of the said incident. The workman has submitted a copy of the representation made on 9-9-2000 which has been given after 2 years of the alleged incident of destroying his original documents including appointment letter. But even in the said representation he had not alleged regarding destroying his documents, therefore, story of allegedly destroying of original documents by Sh. G.L. Mitra, SDE seems to be an after thought.

15. The letter dt. 13-10-95 issued by the Telecom Department Engineer, Bareilly also reveals that workman was working as part time sweeper at Richa Telephone Exchange from 1-4-92. The letter of TDF (Administration) Office of Telecom District Manager, Bareilly letter dt. 18-6-96 also reveals that daily wages were revised from time to time & revised wages were given to the workman w.e.f. 1-01-1995. The management witness has not denied this fact that workman was working continuously from 1-4-92 to 4-5-98 rather he has shown his ignorance in this regard. Thus, it is an admitted fact by the opposite party that the workman was working as part time Safai Karmchari. It is also established from the aforementioned documents that he was working as such since year 1992.

16. The management witness has stated that in the month of March 1998 the Telephone Exchange in question was shifted in the departmental building and old rented building where the exchange was earlier functioning, was vacated and the workman used to perform his cleaning work at that old building and after vacating of that building, the engagement of the applicant automatically stood finished. Thus, impliedly he has admitted this fact that workman was working upto March 1998. Therefore, it is admitted case of the management that workman had worked from 1-4-92 to March 1998 as a part time sweeper therefore, it is established that the workman had continuously work for more than 240 days as part time sweeper during the preceding 12 months from the date of his termination i.e. 4-05-1998.

17. The learned representative on behalf of the workman has placed reliance on 2001 (89) FLR 929 Coal

India Vs Presiding Officer, Labour Court No.3 and others, in support of his contention that part time sweeper is a workman, therefore, his services could not be terminated without complying with mandatory provisions of Section 25F of the I.D. Act. In the said decision Hon'ble Delhi High Court has held that part time sweeper is a workman under Section 2 (S) of the I.D. Act.

18. It is well settled legal position if a workman had worked for more than 240 days in the preceding 12 months from the date of his alleged termination his services can not be terminated without complying with the provision of Section 25F of the I.D. Act, which are imperative in nature & in case the retrenchment is found to be invalid & in violation of the statutory provision of Section 25F of the I.D. Act, the termination would be void ab initio.

19. In present case, it is not a case of the opposite party that any notice or compensation was given to the workman under Section 25F of the I.D. Act when his services were not required after vacating the rental building. Therefore, termination of the workman is in violation of Section 25F of the I.D. Act. So far as alleged violation of Section 25G is concerned, there is no evidence on the record that after termination of the workman from service any junior to him has been retained.

20. In view of the above discussion it is established that the workman had worked for more than 240 days during preceding 12 months from the date of alleged termination i.e. 4-05-1998 and as per definition of the workman under Section 2 (s) of the I.D. Act, he is workman. It is also established that workman has been disengaged without complying with the provision of Section 25F of the I.D. Act, thus, the action of the management of Telecom Department in terminating the services of Sh. Rajesh Kumar w.e.f. 04-05-1998 is not justified and legal.

21. In (2005) 5 SCC 591 : 205 SCC (L&S) 716 between Haryana Roadways V Rudhan Singh Hon'ble Apex Court while considering the question regarding award of back wages has observed ;

“ There is no rule of thumb in every case where the Industrial Tribunal gives a finding that the termination of service was in violation of section 25F of the Act, entire back wages should be awarded.....

.....However, where the total length of service rendered by a workman is very small, the award of back wages for the complete period i.e. from the date of termination till the date of the award, which our experience shows is often quite large, would be wholly in appropriate. Another important factor, which required to be taken into consideration, is the nature of employment. A regular service of permanent character cannot be compared to short or intermittent daily wage employment though it may be for 240 days in a calander year.”

22. In 2008 (119) FLR 877 Depak Ganpat Tari V. N. E. Theater Pvt. Ltd. Hon'ble Bombay High Court relying on the Hon'ble Apex Court's judgment in 2008 (117) FLR 1086 (SC) AP V. K. Brahmandandam 2008 (118) FLR 376 (SC) Telephone DM vs Keshab Deb 2006 (111) FLR 1178 (SC) JDA V Ram Sahai, while awarding compensation to the concerned workman considering his daily wages & in view of the period of service, has observed;

“It is apparent that termination of services of a daily wages does not amount to retrenchment and for violation of Section 25F in such circumstances, the employee cannot be given benefit of reinstatement with continuity and back wages. Hon'ble Apex Court has hold that in such circumstance employee is entitled to benefit of compensation only.”

23. In the light of principle laid down in aforementioned case laws & having regard to facts in present case that the workman was working only as a part time the matter of job, the period during which he had worked as part time Safai Karmchhari, the amount of wages he was receiving at that time & entire facts & circumstances of the case, the ends of justice would meet by paying compensation to the workman instead and in place of relief of reinstatement in service.

24. Since the action of the management of Telecom department in disengaging the workman & not allowing him to continue in service as temporary Safai Karmchhari is not justified, the workman is entitled to get a sum of Rs. 9000 (Rupees Nine Thousand Only) as compensation from the opposite party. The said amount should be paid to the workman within 8 weeks from the date of publication of the award failing which the same shall carry interest @ 8% per annum.

25. The reference under adjudication is answered accordingly.

26. Award as above.

Lucknow
31-12-2009

N. K. PUROHIT, Presiding Officer

नई दिल्ली, 19 जनवरी, 2010

का.आ. 402.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईस्टर्न रेलवे प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-1 धनबाद के पंचाट (संदर्भ संख्या 86/2000 को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-1-2010 को प्राप्त हुआ था।

[सं. एल-41012/106/99-आईआर (बी-1)]

अजय कुमार, डेस्क अधिकारी

29660/10-15

New Delhi, the 19th January, 2010

S.O. 402.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 86/2000) of the Central Government Industrial Tribunal -cum- Labour Court-1, Dhanbad as shown in the Annexure in the Industrial Dispute between the management of Eastern Railway and their workmen, received by the Central Government on 19-1-2010.

[No. L-41012/106/99-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10 (1) (d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 86 of 2000

Parties : Employers in relation to the management of Eastern Railway, Dhanbad.

AND

Their workmen.

Present : Shri H. M. Singh, Presiding Officer

APPEARANCES

For the Employers : None
For the Workman : Shri K. Chakravarty,
Advocate,

State : Jharkhand Industry : Railway

Dated, the 31st December, 2009

AWARD

1. By order No. L-41012/106/99-IR (B-1) dated 25-08-99 the Central Government in the Ministry of Labour, has in exercise of the powers conferred by clause (d) of sub-section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

"Whether the action of Railway Management of Eastern Railway, Dhanbad, in denying the employment/regularisation of Shri Ruplal Hazam, ex-gangman and accepting the employment/regularisation of S/ Shri Lalit S/o Magra, Magra S/o Haria, Prasadi S/o Guli, Jethu S/o Razshu and Narayan S/o Kewal, who have less number of days of attendance than that of workman are justified? If not so to what relief the workman Shri Ruplal Hazam is entitled to?"

2. Written statement has been filed by the concerned workman stating that he had been working in

Eastern Railway, Dhanbad against permanent vacancy since long with unblemished record of service. The Petitioner had been working regularly and continuously since 1987 against permanent vacancy to the satisfaction of the management. He had been rendering services for the benefit of the management since 1987 continuously and as such he had acquired temporary status and subsequently permanent status as per Railway's Rules. Curiously enough the anti-labour management with a malafide intention to discriminate in the matter of employment have regularised the junior workmen, namely, Lalit S/o Haria, Mangra S/o Haria, Prasadi S/o Guli, Jethu S/o Hazshu, Narayan S/o Kewal. The persons whose names mentioned above had put in less attendance than that of the concerned workman still then the management had regularised and allowed them to continue in their employment. The concerned workman represented before the management against the illegal and arbitrary denial of employment and regularisation but without any effect. Thereafter an industrial dispute was raised before the A. L. C. (C), Dhanbad, which ended in failure due to adamant attitude of the management, hence this dispute has been referred to this Hon'ble Tribunal for adjudication.

It has been prayed that an award be passed in favour of the workman by directing the management to regularise the concerned workman on reinstatement with full back wages and other attendant benefits.

3. Written statement has been submitted by the management stating that casual labourers are engaged under Railway on daily rates for some exclusive and specific work for specified period and never appointed against any permanent vacancy. The engagement of casual labourer against permanent vacancy are not made unless such casual labourers are screened by the Screening Committee as per their seniority list and the panel prepared after such screening are always in order of length of service and the seniors are given employment as against the available vacancies. The seniority of such casual labourers are prepared at the unit level that is to say a casual labourer who are engaged under PWI their names will appear in the seniority list of casual labourers of PWI. Similarly those who work under IOW their names are included in the seniority of casual labourers in IOWs. The concerned workman was a Dormant casual labourer under PWI/Parasnath and he was never engaged with any permanent vacancy and his claim to the contrary is false and thereby denied and according to the contention of the concerned workman in para 1 to 3 of his written statement are denied. The concerned persons mentioned in para 4 of the written statement of the concerned workman have been regularised according to their own seniority group and thereby the claim of the concerned workman is not justified. Seniority of the concerned workman cannot be reckoned as per casual labourers of PWI and thereby he cannot be considered as senior to the persons who were casual labourers of IOW, Gomoh. The concerned workman as casual labourer under PWI/Parasnath Persons to a different seniority group from

that of the persons named in the schedule of reference as seniority group of those persons have no connection with that of the concerned workman and hence the claim of the concerned workman is absolutely illegal and unjustified and he is not entitled for regularisation as claimed by him.

It has been prayed that an award be passed in favour of the management by rejecting the claim of the concerned workman.

4. Notice was sent to the management on 23-2-2000 fixing the date on 10-4-2000 for filing written statement. Again notice was sent to the management. Wakalatnama was filed by the management on 3-5-2000. The management filed written statement on 14-12-2000, but later they have not appeared though the notice was issued on 4-9-2001 fixing the date on 3-10-2001 for filing documents and called for documents by the management. Management later on appeared.

5. The management has produced MW-1-D. K. Das and also produced MW -2 - Umesh Paswan.

The concerned workman has produced himself as WW-1 who has proved Ext. W-1 to W-4.

6. No argument was advanced on behalf of the management though another notice was also sent to the management on 18-8-2008 fixing the date on 30-9-2008.

Main argument advanced on behalf of the concerned workman is that the junior workmen who had put less attendance, such as, Lalit S/o Haria, Mangra S/o Haria, Prasadi S/o Guli, Jethu S/o Hazshu, Narayan S/o Kewal, have been regularised by the management, but the concerned workman has not been regularised though he has been working since 1987 in permanent vacancy. In this respect the management's witness is very much important. MW-1-Umesh Paswan in cross-examination that "I have got no personal knowledge regarding this case and I have not dealt with this case on any time. As per written statement filed by the management it has been stated that the concerned workman was a Dormant casual labour under PWI/ Parasnath and he was never engaged with any permanent vacancy and under para 12 it has been stated that the concerned workman cannot be reckoned as per casual labourers of PWI and thereby he cannot be considered as senior to the persons who were casual labourers of IOW. In this respect letter dated 1-6-99 written by Divl. Railway Manager, Dhanbad to Chief Personnel Officer, Eastern Railway, Calcutta shows that the concerned workman had not given his application within stipulated date and time, so he had not been regularised. It has been stated by the management by letter dated April, 1990 addressed to the concerned workman that he has not given application within 31-3-87 to include his name in the "Live Casual Labour Register", but no cause has been proved by the management that any application has to be moved by the concerned and that has to be considered because he is to submit his application during stipulated time. Management's letter dated 13-7-99 shows that there was

principle for regularisation to the concerned workman as he had done 119 days as casual labour under PWI/ Parasnath. This letter also shows that Lalit who worked for 111 days was appointed, Mongra who had worked for 112 days was appointed and Narayan who had worked for 119 was appointed. In this letter it shows that the above worker have worked less than that of the concerned workman. So, this letter proves that the concerned workman has to be regularised.

7. Another argument advanced on behalf of the workman that the concerned workman has not been cross-examined. So, as per decision of Hon'ble Patna High Court reported in A.I.R. 1940 page 683, what has been stated in examination-in-chief by the witness his evidence must be accepted. So there is no ground to reject what has been stated by WW-1 and that has to be accepted as he has not been cross-examined by the management.

The workman's representative argued that the management's witness-MW-1- D.K. Das in cross-examination stated that "I do not know whether any appointment letter was ever issued to the concerned workman or not. It is true that such circular of the Railways was there by which any workman who had completed the working of 120 days can be taken back in employment." At page 2 of his cross-examination, the witness has stated-"Those five persons who were taken into employment excluding the concerned workman, the attendance sheet and seniority list in respect of those persons cannot be produced by me. I cannot say as to what was the total period of working of those five workmen including the concerned workman and what was their attendance during that period." It only shows that the management regularised other persons who have less working days than that of the concerned workman and the concerned workman has not been regularised as per statement of the management vide letter dated 13-7-99. In this letter it has been clearly mentioned that those workmen, who were having less working days than that of Ruplal Hazam, have been regularised.

8. Considering the above facts and circumstances I come to the conclusion that the action of the Railway Management of Eastern Railway, Dhanbad in denying the employment/regularisation of Shri Ruplal Hazam, ex-gangman and accepting the employment/regularisation of S/Shri Lalit S/o Haria, Mangra S/o Haria, Prasadi S/o Guli, Jethu S/o Hazshu and Narayan S/o Kewal, who have less number of days of attendance than that of workman are not justified. The management is directed to give employment/regularisation to Shri Ruplal Hazam from the date on which his juniors, names mentioned in the order of reference, were given employment/regularisation with 50% back wages, within 30 days from the date of publication of the award.

This is my award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 19 जनवरी, 2010

का.आ. 403.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायाधिकरण, पोर्ट ब्लेयर के पंचाट (संदर्भ संख्या 20/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-1-2010 को प्राप्त हुआ था।

[सं. एल-12012/197/2005-आई.आर.(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 19th January, 2010

S.O. 403.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 20/2006) of the Labour Court, Port Blair as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 19-1-2010.

[No. L-12012/197/2005-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE COURT OF THE PRESIDING OFFICER LABOUR COURT

ANDAMAN AND NICOBAR ISLANDS

Present: Mir Dara Sheko, Presiding Officer Labour
Court, Port Blair

I. D. Case No. 20 of 2006

Shri Prem Bahadur Chetri ... First Party

Versus

1. The Chairman, SBI Mumbai.
2. The Chief General Manager, Calcutta.
3. The Asstt. General Manager, SBI.
4. The Chief Manager, SBI, Port Blair. Second Parties

Tuesday, the 17th day of November, 2009

JUDGMENT

This I. D. case before the Labour Court and Industrial Tribunal has been initiated in view of the reference dated 5-9-2006 held by the Ministry of Labour of Government of India vide Order bearing reference No. L-12012/197/2005-IR(B-I) with the schedule of dispute "Whether the plea of management holds good that the workman has no right to continuance in the service as his services were utilized by the Bank only against leave vacancies arising out of leave

taken by the permanent staff even though he had served the management for a reasonable period? If not, to what relief the workman concerned is entitled to?"

On the basis of such reference the I.D. case has been initiated, wherein the first party Shri Prem Bahadur Chetri has submitted statement of demands against the second party i.e. State Bank of India Authorities.

The first party contended by submission of consolidated statements showing his year to year employment under the S.B.I., Rangat and Port Blair Branch that although in between 1993 upto May, 2002 he had served under the S.B.I. for more than 240 days he has been disengaged in violation of Sections 2K, 25B, 25F, 25G and 25H of the Industrial Disputes Act, and by filing such statements of demands the first party prayed to declare the act and activities in disengaging the first party workman as unjustified and illegal and for reinstatement of the first party in the service under SBI with all back wages.

It is pertinent to mention that although the State Bank of India having its Head Office at Port Blair had authorized its officer by issuing letter dated 2-6-2007 to appear and to do needful in the proceeding on behalf of the Bank, but no further step including any objection in writing has been furnished on behalf of the opposite party.

Be that as it may nonetheless of disappearance or giving contest by the opposite side and nonetheless of taking up any legal proceeding in exparte manner the first party is supposed to get any success in any legal proceeding only subject to proof of his case in fact and law.

Therefore, the case on the basis of the materials available on record, as well as supplied by the first party, is required to be adjudicated on the following points :—

1. Whether the first party has right of continuance in the service of S.B.I. due to the reason of utilization of his services during the period under reference?
2. Whether the plea of the management as mentioned in the schedule of the reference dated 5-9-2006 should be held as good and legal?
3. Whether the first party workman is entitled to get any relief in the proceeding?

DECISION WITH REASONS

Point Nos. 1, 2 and 3: All the three points are taken up together for convenience of discussion and brevity.

Ld. Advocate for the first party by relying upon the decisions reported in AIR 2005 Supreme Court 2799 and (1999) 1 Supreme Court cases 253 submitted that as because the first party had under-gone with uninterrupted service in the SBI in the Islands for more than 240 days with some artificial break, disengagement of the first party should be

declared as illegal, since according to him such disengagement is in violation of the provision under Section 25 of the Industrial Disputes Act 1947.

Now on scrutiny of the statement of demands coupled with the pay statements of the first party and his pass-book marked as Exts 1 & 2. I find that the petitioner in the capacity or status of temporary messenger had received some salary and allowances concerning the days, employed under second party. Although the opposite party did not contest in this case, but from the copies of other admitted documents enclosed by the first party along with his statements of demand it appears that the first party had rendered services always in the capacity of casual/temporary worker. From the consolidated statements showing year to year employment of the first party it also reveals that the number of days employed was not continuous, rather there were breaks almost on each and every month upto the period of May, 2002. Admittedly, there was no letter of appointment showing any permanency of the first party as an employee under the Bank, and eventually no such approved process was also adopted for employing such first party, the fact remains and so that the first party always had the status of a casual employee under the S.B.I. either against leave vacancy or for otherwise temporary reason.

I have gone through the decisions cited by Ld. Advocate for the first party, but, by this time I have already come across to the decision of the Constitutional Bench of the Hon'ble Apex Court consisting of five Hon'ble Judges reported in (2006) 4 Supreme Court cases page 1, which on and again has been ventilated in some other decisions report in (2006) 6 Supreme Court cases 12, (2007) 1 Supreme Court cases 257 and (2008) 10 Supreme Court cases page 1, and from the ratio of those decisions the court of the present status has been rather directed to remain away of any judicial activism by giving direction the department for regularization of any casual employee as well as for direction over their pay and allowances and the reason behind such direction is as because any such employee having status of temporary in nature has not been employed by following the approved recruitment process. Therefore, nonetheless of rendering services for more than 240 days having artificial break in between any such casual or temporary employee as a matter of right cannot claim and approach the court of the present status for re-instatement in service by setting aside any departmental order of disengagement or termination, as the case may be.

It is needless to mention that while the decisions of the Hon'ble Five Judges Constitutional Bench reported in (2006) 4 Supreme Court cases page 1 have been pleased to give the law on the subject into one legal shape then the first party on the strength of the decision of the smaller bench reported in AIR 2005 Supreme Court 2799 and (1999) 1 Supreme Court cases 253 cannot expect any benefit of

either of the provisions laid down in Section 25 of the Industrial Disputes Act, 1947, as because the very engagement of the first party for having his services is of absolutely casual or temporary in nature having break of also a good number of days in between.

It is obvious that there is conflict in law while there is the provision within the code of Industrial Disputes Act, and while the Hon'ble Apex Court on consideration of the same has been pleased to interpret and direct the provision on the subject into some other direction, and it is further obvious and mandate upon everybody concerned within the country to follow and comply with the law of the land as determined by the Hon'ble Apex Court, specially the Constitutional Bench consisting of five Hon'ble Judges of the Hon'ble Supreme Court. Therefore, an employee of the then status of first party who has been subsequently disengaged at the option of the 2nd party can no more expect any benefit under Section 25 of the Act, far to speak of entitling to any back wages as prayed for.

Therefore although the second party did not contest in the case, but the very prayer of the first party of his alleged reinstatement under the State Bank of India with all back wages being held not maintainable, the statement of demands of the first party are liable to be rejected, since first party as a matter of right has no lawful right to continuance in the service under the S.B.I., since he was employed simple casually and temporary and, therefore, the plea of the management in disengaging him is held as good and justified, and the first party workman is not entitled to get any relief as prayed for.

Hence, it is :

ORDERED

That the I.D. case is hereby decided by holding that the plea of management, for which the reference was made, is held justified and good and the first party workman Prem Bahadur Chetri has no right to continuance in the service as his services were utilized by the Bank temporarily and therefore, the first party workman is hereby not entitled to get any relief.

Issue a copy of such decision to the Minister of Labour, Government of India for information about the result of the reference held by its Order dated 5-2-06 having its reference No.L-12012/197/2005-IR(B-I).

MIR DARA SHEKO, Presiding Officer

नई दिल्ली, 19 जनवरी, 2010

का.आ. 404.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डी.एम.आर. लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण-1, दिल्ली के पंचाट (संदर्भ संख्या 8/2009 को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-1-2010 को प्राप्त हुआ था।

[सं. एल-41012/22/2008-आईआर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 19th January, 2010

S.O. 404.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 8/2009) of the Central Government Industrial Tribunal-1, Delhi as shown in the Annexure in the Industrial Dispute between the management of D.M.R.C. Ltd. and their workmen, received by the Central Government on 19-1-2010.

[No. L-41012/22/2008-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
No. 1, KARKARDOOMA COURT COMPLEX, DELHI**

I. D. No. 8/2009

Shri Neeraj Thakral & 11 others,

C/o Sri Abdul Ahmed,

16/714E, Bapa Nagar,

Padam Singh Road,

Karol Bagh, New Delhi -5

Workman

Versus

M/s DMRC,
NBCC Place, 3rd Floor,
Pragati Vihar,
Bhishmpitamah Marg,
New Delhi -110003.

2. M/s Trig Detective (P) Ltd.,
A-383, Road No.3,
Mahipalpur Extn.,
New Delhi - 37.

Management

AWARD

Delhi Metro Rail Corporation Limited outsourced ticketing process to M/s Trick Detective Private Limited and the latter employed Shri Neeraj Thakral, Abdul Ahed, Ashish Raitani, Sonit Kumar, Sayed Nomaan, Rajesh Kumar and Rajneesh Kumar for a period of one year. During that period their work was not found to be satisfactory. Their services were dispensed with. Aggrieved by the said action the claimants made a demand for reinstatement. Since their demand was not conceded to, they raised an industrial dispute before the Conciliation Officer. When conciliation proceedings failed, the appropriate Government referred the dispute to this Tribunal for adjudication, vide Order No. L-41012/22/2008-IR(B-I) New Delhi, dated 5th of June,

2008, with the following terms :-

“Whether the contract between the management of Delhi Metro rail Corporation Ltd., the principal employer and their contractor M/s Trig Detective (P) Ltd. with the regard to the employment of S/Sri Neeraj Thakral & 11 others (as per list enclosed), is sham & bogus? If yes, whether the action of the principal employer in terminating services of the said workmen is fair, legal and justified? To what relief these workmen are entitled?”

2. Claim statement was filed by Neeraj Thakral, Mohd. Abdul Ahed, Ashish Raitani, Sonit Kumar, Sayed Nomaan Mian, Rajesh Kumar & Rajneesh Kumar pleading therein that they were employed on 31-12-05, 4-8-2006, 31-12-2005, 31-12-05, 31-12-05, and 31-12-05, respectively as tom operator. Their services were dispensed with on 15-5-07, 25-7-07, April, 2007, 25-11-07, 10-5-07 and 15-7-07 respectively. Since they had rendered more than 240 days service in every calendar year, hence they became industrial employees. No notice or pay in lieu thereof was served upon them. No retrenchment compensation was paid to them. Principle of last to come and first to go was not followed. Termination of their services is illegal. They claim reinstatement in service with continuity and full back wages.

3. Contest was given to the claimant by Delhi Metro Rail Corporation Limited pleading that the claimants were never employed by them. Services of ticketing process was outsourced by the management to M/s Tom Detective Services Private Limited and the claimants, besides others were employed by the contractor. They were supervised and controlled by the contractor. There was no relationship of employer and employee between the claimants and the management. Since there was no relationship of employer and employee between the parties it was not incumbent upon the management to serve notice or give pay in lieu thereof to the claimants. It was also not incumbent upon them to pay retrenchment compensation. Claimants were disengaged by the contractor. Their claim is liable to be dismissed.

4. Contest was also given by M/s Trick Detective Private Limited pleading that services of the claimant and others were engaged for a period of one year on contract basis. Their contract was to be renewed in case they would have rendered satisfactory services. Services rendered by the claimant were not satisfactory, since there were various complaints against them. On account of complaints against them, they were relieved from the services. Since their contract came to an end, it does not amount to retrenchment of their services. They were not entitled to benefits such as notice or pay in lieu thereof and retrenchment compensation. Their claim is liable to be dismissed.

5. No evidence was adduced on behalf of the claimants. They opted to abstain from the proceedings

since 8-10-09. None appeared on behalf of the claimants either on 8-10-09 and on 28-10-09. Since no evidence was adduced on behalf of the claimants, managements opted not to adduce any evidence. Thus it is evident that it is a case where there is complete lack of evidence to establish that the services of the claimants were engaged by the Delhi Metro Rail Corporation Limited on the strength of a sham and bogus contract of service. No evidence worth name has come over the record to establish that it was camouflage or nominal contract between the Metro Rail Corporation Limited and Trig Detective Private Limited. There is no evidence to establish that M/s Trig Detective Private Limited was only a name lender and the claimants were the employees of Delhi Metro Rail Corporation Limited. Since the claimants were engaged by the contractor, who terminated their services, hence no relief can be awarded to them. Their claim is dismissed. An Award is accordingly passed.

Dated: 30-12-09

DR. R. K. YADAV, Presiding Officer

नई दिल्ली, 19 जनवरी, 2010

का.आ. 405.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार श्रम न्यायालय, सांगली के पंचाट (संदर्भ संख्या 1/2002 को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-1-2010 को प्राप्त हुआ था।

[सं. एल-41012/130/2001-आईआर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 19th January, 2010

S.O. 405.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/2002) of the Labour Court, Sangli as shown in the Annexure in the Industrial Dispute between the management of Central Railway and their workmen, received by the Central Government on 19-1-2010.

[No. L-41012/130/2001-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER LABOUR COURT, AT SANGLI

[Presided over by Shri. A. S. Kazi, (B. A. LLM)]

Ref (I. D. A.) No. 1/02

Adjudication Between

The Chief Yard Master,
Central Railway, Pune Yard
Pune (Maharashtra), 411001

Ist Party

AND

Shri. Mahadeo Mallappa Kokatnoor,
455, Raviwar Peth Corner,
Madhavnagar,
Dist - Sangli- 416406

2nd Party

CLAIM : In the matter of reinstatement with continuity of service and full back wages of 2nd Party.

CORAM : A. S. Kazi, Presiding Officer

APPEARANCES

Shri S. V. Khade, advocate for Ist Party

Smt. S. S. Khot, advocate for 2nd Party.

AWARD

(Delivered on 14th day of December, 2009)

Brief facts of the reference

1. The Government of India Ministry of Labour, New Delhi has forwarded this reference under Clause (d) of Sub Section 1 & Sub Sec. 2A of Section 10 of the Industrial Disputes Act, 1947 for adjudication of the following issue raised by the second party :-

"Whether the action of the management of Central Railways, Pune in removing from service to Shri Mahadeo Mallappa Kokatnoor w.e.f. 04-07-2000 on the alleged charges of misconduct vide charge sheet dt. 28-07-1987 is justified ? If not, what relief the workman is entitled to?"

2. After the reference was received by this Court, the notices were issued to both the parties and the second party filed its statement of claim at Exh. U-13. It is the case of the second party workman Shri. Mahadeo Mallappa Kokatnoor that, he was in the employment of the first party management as an Assistant Pointman w.e.f. from 23-06-1985 under the Chief Yard Master, Pune. His service was terminated w.e.f. 08-11-2000 illegally, and without any reason.

3. It is the case of the second party that, he was in need of leave in order to appear for the part II examination from the arts stream from Shivaji University Kolhapur. For that purpose he had to visit Sangli and therefore, he applied for leave from 26-03-1987 to 10-04-1987 which was sanctioned by the first party. However, when his leave was about to expire, he suffered from dysentary, weakness, jaundice and other illness and he immediately informed the chief yard master, Pune and Asst. Medical Officer, Pune about the said illness by U.P.C. However, his intimation was not accepted by them. The second party was paid salary for 2-3 months thereafter.

4. It is further averred that, the second party further suffered from loss of vision around Feb -1988 and he consulted one Dr. Patil who advised him to consult an eye specialist. Therefore, he got examined in March 1988 at

military hospital Pune. But, his illness could not be diagnosed. Thereafter, he consulted another doctor at Sangli namely Dr. Hore, who also could not diagnose. He also consulted Dr. Paranjape. He was advised examination after every one and half month. Accordingly the second party was taking the treatment.

5. Thereafter, he approached the chief yard master for joining the duties. However, the first party insisted that unless the second party would produce the medical certificates from the railway medical officer, he could not join the duties. Meanwhile, his wife also suffered heart ailment. The first party meanwhile issued the declaration that the second party was a railway worker and so the treatment started in the railway hospital. Thereafter, after two months the railway doctor kept to second party on the sick list. Thereafter, the second party and his wife sent for further treatment to the railway hospital Byculla, Bombay. However, the railway doctor at Byculla referred the wife of the second party for open heart surgery to Perumboor, Madras and so, the second party also obtained the permission to get himself treated at Perumboor, Madras.

6. It is further averred that, the doctors at Peramboor treated the second party for his eye problem but, they insisted that, for further treatment the second party should obtain the permission letter from the railway doctors at Bombay. They refused further treatment to second party. Meanwhile, the treatment of his wife continued at Madras. When the second approached the Byculla hospital, he was refused permission on the ground that, the medical facilities for treating eye ailments were available at Byculla and so, permission to take treatment elsewhere could not be given. meanwhile due to the negligence of the railway doctors at Madras, the heart diseases of the wife of second party became serious. The second party has mentioned the instances in paras No. 16 to 19 about the negligence allegedly committed by the various doctors of the first party. It is also alleged by him, that he lost his wife due to negligence of the medical officers of first party.

7. After narrating the facts about the negligence of the medical officers of the first party, it is further averred that, thereafter second party made attempts to obtain fitness certificates but, when he approached the authorities, they demanded that, second party should produce declaration certificates from the Chief Yard Master of first party but, when he approached the concerned, the clerk of the chief yard master Shri. Tamboli and the chief yard master Shri. Tingle instead of issuing the declaration certificates insisted that, second party should accept the charge sheets dated 08-07-1987 and 29-11-1993 after gap of 8 years. When he tried to convince the chief yard master, he was told not to visit the office and ultimately by order dt. 08-11-2000 he received the "Removal from Service" order. Therefore he lodged an appeal before the Sr. DOM, Bombay. The said appeal was allowed in favour of the

second party. However, the said decision was communicated to the second party by the Sr. DOM Bombay or the appellate authority after gap of 2½ to 3 years by post in the month of May, 2003. Thereafter, the second party approached the first party with request to reinstate him but in vain. Hence, the present reference.

8. The first party opposed the above claim by filing the written statement at Exh. C-6 on the ground that, the contents are not admitted. The entire averments in the claim petition are denied in toto. It is contended that, since 10-04-1987 the second party remained absent without any reason and after one year he complained about lost of eye sight. It is further contended that, as per the railway medical manual if a railway workman remains absent for more than 90 days without reason, it is binding upon him to get himself medically examined by submitting before the medical officer for a special medical examination. If the second party would have presented himself for the special medical examination, it would have been possible to assess whether the second party is fit for the post held by him. It is further averred that, the first party was ever willing and ready to proceed further in the case of second party, but, the second party himself never submitted before the authorized medical officer of the railways for special medical examination as per the manual. All the allegations made against the railway doctors and the railway officers are denied in toto. It is further denied that, the death of the wife of second party was caused due to negligence of the railway doctors. It is also denied that, the first party is liable to pay Rs. 7,00,000 as compensation to the second party on account of death of his wife.

9. in short it is contended that, as per the decision passed by the appellate authority on 11-04-2003 and as per the Indian Railway medical manual, it was necessary for the second party to get himself examined by submitting for a special medical examination and to submit the report to his superiors. But, he failed to do so. It is further contended that, as per his own pleadings the eye sight of the second party has not improved and therefore, all the more it is necessary for him to undergo special medical examination. It is further contended that, once the second party produces the said fitness certificate the first party is ever ready to proceed as per the decision of the appellate authority dt. 11-04-2003. Hence it is prayed that, the claim petition be rejected with costs.

10. In view of the rival pleadings of the parties my learned predecessor framed the following issues below Exh. O-1 and I record my findings thereon for the reasons enumerated hereinafter.

ISSUES

FINDINGS

1. Whether the first party :
proved that, the services of
the second party were termi-
nated after holding due legal
and proper enquiry ?

In the negative

2. Whether the action of the first party in terminating the second party from services w.e.f. 04-07-2000 is justified? : In the Negative
3. What relief second party is entitled? : As per final order
4. What order? : As per final order

REASONS

11. As to issues No. 1 to 3 :—All these issues being interlinked are answered by me together for the sake of convenience. In order to prove his case the second party examined himself at Exh. U-22 and closed his evidence by filing the pursis at Exh. U-29. As against this, the first party did not lead any oral evidence and filed a pursis at Exh. C-15 that it does not want to lead oral evidence. The evidence on record is discussed in details below.

12. It is case of the second party that, initially he proceeded on leave which was sanctioned by the first party w.e.f. 26-03-1987 to 10-4-1987. Thereafter, he and his wife suffered from various ailments of the eye and heart respectively. The medical officers of first party treated them negligently. He lost his wife due to their negligence. Ultimately, though he was on sick list of the medical officers of the first party, On 08-11-2000 he was removed from service without any enquiry and without following due process of law. He therefore, filed an appeal with the appellate authority of the railway department i.e. Sr. DOM, Mumbai and his appeal was allowed and he was informed by letter dt. 11-04-2003. But, the first party did not allow the second party to join his services. Hence, he has prayed that he may be reinstated with full back wages and continuity of service.

13. The only fact elicited in his cross examination which is relevant for the decision of the present reference is that, his post comes under grade A-2 and that he does not know that, if a person belonging to that grade remains absent for more than 90 days then it is incumbent upon him to face a special medical examination. He admitted that, the DRM Pune had issued a letter to him to undergo the special medical examination and that, he has not obtained such a report nor submitted it to his superiors.

14. It is pertinent to note here that, the first party has not examined any witnesses to rebutt the case of the second party. On the contrary it is their stand that, they were ever ready to comply with the order dt. 11-04-2003 passed by the appellate authority but, the second party himself has not submitted the special medical examination report.

15. From the perusal of the record it appears that, no enquiry was admittedly conducted against the second

party. He was not given an opportunity of hearing before termination. He was also not issued a notice nor paid any compensation by the first party. Therefore, the Sr. DOM, Bombay cum appellate authority rightly set aside his termination. The decision of the appellate authority was communicated to the second party after about 2 and 1/2 to 3 years by post by letter dt. 11-04-2003. Therefore, throughout there was negligence and carelessness on the part of the first party in dealing with the service matter of the second party. One fails to understand why the first party thereafter failed to comply with the order of its own appellate authority. Therefore, this reference has arisen. Therefore, in view of the above discussion it appears that, there was total non compliance of the provisions of Section 25 F of the Industrial Disputes Act, 1947. There was also violation of the principles of natural justice. The order of dismissal or discharge does appear to be bona fide because no opportunity of hearing was given to the second party and no proper enquiry was conducted so as to give an opportunity to the second party to defend himself. The order of termination was served on the second party with undue haste on 8-11-2000. Even no evidence is led by the first party to justify their action. Surprisingly, though their own appellate authority set aside the termination by letter dt. 11-04-2003, still they failed to comply.

Therefore, I hold that, the first party failed to prove that the services of the second party were terminated after holding due, legal and proper enquiry. They have also failed to prove that their action of terminating the services of the second party w.e.f. 04-07-2000 is justified. In the result I answer issues No. 1 and 2 in the negative and issue No. 3 as per final order.

16. So, on a conspectus of the above discussion the controversy now appears to be limited to the fact of the second party subjecting himself to a special medical examination as per the Indian Railway Medical manual so as to enable the first party to proceed further in the matter of his service. In view of the careless manner in which the first party has acted in dealing with the case of the second party for which no justification is proved by them by examining any witness, it will be proper to reinstate him with full back wages and continuity of service. It will also be proper to direct a time bound medical examination of the second party to avoid allegations and counter allegations of negligence or otherwise. Therefore, ends of justice would be met by passing following order.

ORDER

1. The reference is hereby partly allowed.
2. The first party is hereby directed to reinstate the second party with full back wages w.e.f. 11-04-2003 and with continuity of service within 45 days from today subject

to the condition that the second party shall furnish an undertaking that, he will present himself before the medical board for a special medical examination on a date to be fixed by the first party.

3. The first party shall constitute the medical board for the said special medical examination of the second party expeditiously and fix the date and communicate the same to the second party for the special medical examination.

4. If the second party is medically found to be unfit for the post held by him, the first party shall review his case for conferring retirement benefits on him by treating him as a regular employee as per the service rules, in that case the back wages would be payable to him w.e.f. 11-04-2003 till the date of his superannuation.

5. No order as to costs.

6. Five copies of this award be send to the Govt. of India Ministry of Labour, New Delhi 110001 for publication and necessary action.

Date-14-12-2009

A. S. KAZI, Presiding Officer

नई दिल्ली, 21 जनवरी, 2010

का.आ. 406.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ हैदराबाद के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या 59/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-1-2010 को प्राप्त हुआ था।

[सं. एल-12011/06/2007-आईआर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st January, 2010

S.O. 406.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 59/2007) of the Central Government Industrial Tribunal -Cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the management of State Bank of Hyderabad and their workmen, received by the Central Government on 21-1-2010.

[No. L-12011/6/2007-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/5/2008

Date: 21-12-2009

The General Secretary,
State Bank of Hyderabad
Workers Organization,
Plot No.1, Parijat, Snehankit
Colony Taroda Kd.,
Nanded-431605

Petitioner/Party No. 1

Versus

The Asstt. General Manager,
State Bank of Hyderabad,
Regional Office, Region
1, Nanded (Maharashtra)

Respondent/Party No. 2

AWARD

(Dated: 21st December, 2009)

1. The Central Government after satisfying the existence of dispute between the General Secretary, State Bank of Hyderabad Workers Organization, Nanded (Party No.1) and the Asstt. General Manager, State Bank of Hyderabad, Regional Office, Nanded (Party No.2) referred the same for adjudication to this Tribunal vide its letter No. L-12011/06/2007-IR (B-1) dated 30-10-2007 under clause (d) of sub Section (1) and sub Section (2A) of Section 10 of Industrial Dispute Act, 1947 [14 of 1947] with the following schedule.

2. "Whether the action of the management of State Bank of Hyderabad, in respect of their Regional Office, Nanded in transferring of Shri N.V. Joshi, ignoring & violating the laid down norms and the provisions of law, is legal and justified? If not, what relief the union and their members are entitled to?"

3. It was a case in respect of the transfer of Shri N.V. Joshi by the management of State Bank of Hyderabad. It comes for hearing on 7-12-2009. The counsel for the petitioner Shri S.T. Sahasrabudhe filed pursis that the parties have settled their claim out of Court amicably and he has filed an application requesting to declare the dispute as a resolved and pass the necessary award as per his pursis. I heard him because the pursis is signed only by the petitioner and not by any person on behalf of the management Party No. 2. Therefore, it will not be amounting to a settlement and the award as resolved amicably cannot be passed. However, he prayed that it should be treated as disposed off and he does not want to proceed further in the reference. He requested to allow to withdraw the reference. Therefore, he is allowed to withdraw and pass this no dispute award.

Date: 21-12-2009

A. N. YADAV, Presiding Officer